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# ACTS

OF THE

# One Hundred and Eleventh Legislature

OF THE

# STATE OF NEW JERSEY

AND

## Forty-third Under the New Constitution.

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The General Public Laws are printed in the front part of the volume.

The Joint Resolutions and Proclamations by the Governor are placed next after the General Public Laws.

The Special Public and Private Acts follow in the order of their approval, and, with Table of Contents and Index of all the laws, complete the same.

HENRY C. KELSEY,
*Secretary of State.*

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OF THE

# One Hundred and Eleventh Legislature

OF NEW JERSEY.

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# General Public Laws.

# GENERAL PUBLIC ACTS

PASSED BY THE

# One Hundred and Eleventh Legislature.

## CHAPTER I.

A Supplement to an act entitled "An act to establish a bureau of statistics upon the subject of labor, considered in its relation to the growth and development of the state industries."

Appropriation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of four thousand dollars be and is hereby appropriated for the current expenses of said bureau.

Treasurer authorized to pay money.

2. *And be it enacted*, That the treasurer of this state is hereby authorized to pay, from any money not otherwise appropriated, the sum provided for in the first section of this act.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 18, 1887.

ROBERT S. GREEN,
*Governor.*

FREDERICK S. FISH,
*President of the Senate.*

WILLIAM M. BAIRD,
*Speaker of the House.*

## CHAPTER II.

A Supplement to an act entitled "An act to prevent the adulteration and to regulate the sale of milk," approved March fourteenth, one thousand eight hundred and eighty-two.

Analysis of milk by whom to be made.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the analysis of milk required by the provisions of section four, seven, eight and nine of the act to which this is a supplement may be made by any chemist or chemists appointed or designated by the state board of health, the provisions of said act to the contrary notwithstanding.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 24, 1887.

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## CHAPTER V.

An act to authorize and empower the trustees of any church or religious society, to whom as such trustees by their individual names any conveyance of lands and real estate has been made, to convey the same to the church or religious society of which they are or were trustees by its corporate name.

Trustees authorized to convey real estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where the conveyance of lands and real estate has been made to the trustees of any church or religious society by their individual

names as trustees of said church or religious society, said trustees and the survivors or their successors in office are hereby empowered and authorized to convey the same to the particular church or religious society of which they are trustees by its corporate name, and such conveyance shall vest in said church or religious society as good, effective and valid a title as if the conveyance to said trustees had been made directly to such church or religious society by its corporate name.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1887.

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## CHAPTER VI.

An Act to incorporate improvement societies in towns, villages and boroughs.

Improvement societies how incorporated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any town, village or borough it shall be lawful for any number of persons not less than ten to associate together for the purpose of public improvement, and, for the better accomplishment of such purpose, to plant trees and shrubbery, to establish and maintain a public park, a public reading room and course of lectures, and social and benevolent assemblies, in such way and method as shall promote the external appearance and the material progress, good order and health, and social and intellectual culture of said town, village or borough; and for the purpose of obtaining and maintaining a public park, it shall be lawful for said association to purchase, or receive by gift or devise, any land not exceeding ten acres, and said land, so long as it is open for the public benefit, shall be free from all taxation, but buildings erected thereon shall not be exempt.

Election of trustees.

2. *And be it enacted*, That the said association, upon due notice, in writing, and posted at least ten days previously, may elect at any regular meeting, or one specially called for the purpose, and annually thereafter, any of their own number, not less than three, to be trustees of the said association, by any name which they may assume.

Certificate of association to be filed with County Clerk.

3. *And be it enacted*. That it shall be lawful for the trustees thus elected to make and file a certificate with the clerk of the county certifying the name which they have assumed and the objects of the association, and upon making and recording such certificate the said persons and their successors shall become and be a body politic and corporate, and possessed of all the powers mentioned and set forth in the first section of the act concerning corporations.

4. *And be it enacted*, That this act shall take effect immediately.

Passed March 9, 1887.

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## CHAPTER VII.

A Further Supplement to an act entitled "An act to incorporate the chosen freeholders in the respective counties of this state" [Revision], approved April sixteenth, one thousand eight hundred and forty-six.

Term of office.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the members of the boards of chosen freeholders in the respective counties of this state, elected after the passage of this act, shall hold their office for the term of two years; *provided*, that in those assembly districts, wards and townships which are entitled to elect two members of the board of freeholders, the two members elected to said board from each of said districts, wards and townships, shall at the first annual meeting of the board of chosen freeholders after the passage of this act, proceed to determine by lot their respective terms of office, and one member of the board from each of said districts, wards and town-

Proviso.

ships, shall hold office for the term of one year, and the other member of the board from each of said districts, wards and townships, shall hold office for the term of two years, each to hold office until his successor in office shall be chosen and qualified; and at each succeeding annual election thereafter but one member of the board of chosen freeholders shall be elected from each of said districts, wards and townships, who shall hold office for the term of two years and until his successor in office shall be chosen and qualified.

Repealer.

2. *And be it enacted*, That all acts or parts of acts, general or special, public or private, inconsistent with this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 9, 1887.

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## CHAPTER VIII.

A Supplement to an act entitled "An act to incorporate trustees of religious societies" [Revision], approved April ninth, one thousand eight hundred and seventy-five.

Election of treasurer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for every religious society or congregation of christians, when assembled, according to the laws of this state, for the election of trustees of such society or congregation, to annually elect, in the same manner and at the same time as the trustees are elected, a person to be the treasurer of such religious society or congregation, who, when so elected, shall also be the treasurer and an ex-officio member of the board of trustees of such religious society or congregation.

May provide for election and number of trustees.

2. *And be it enacted*, That such religious society or congregation may at such annual meeting provide by by-law or resolution for the election of its trustees for three years, but in such case at the first election held under this act the number of trustees of such religious society or congregation

shall be fixed by the society or congregation and shall be divided, as near as can be, into three equal numbers, of whom one part shall be elected for one year, one part for two years, and one part for three years, and then annually thereafter the terms of those expiring shall be filled for a period of three years; vacancies occuring for any cause shall be filled for the unexpired term only.

Annual meetings, by whom and how called.

3. *And be it enacted*, That the annual meetings for the election of trustees and the treasurer of any religious society or congregation shall be called by the board of trustees thereof and upon a ten days' notice, as provided by law, signed by the secretary of said board and posted as required by statute, and such meeting when convened shall select its own officers and determine its own rules of procedure.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1887.

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## CHAPTER IX.

An Act to release the title and interest of the people of the state of New Jersey in and to certain real estate, of which George Evans died seized, in the city of Trenton and in the township of Ewing.

Preamble.

WHEREAS, George Evans, late of the city of Newport, in the state of Rhode Island, departed this life intestate on the nineteenth day of October, in the year of our Lord one thousand eight hundred and eighty-five, seized of four certain tracts or lots of land, on the map or plan of lots of the Seventh Ward Land Association, of the city of Trenton, which were conveyed to him as follows: Lot number three hundred and thirty-five, by deed from said association, dated October thirteenth, one thousand eight hundred and seventy-three, and recorded in Mercer county clerk's office, in book of deeds, volume ninety-nine, page

one hundred and thirty-eight; lot number one hundred and sixty-eight, by deed also from said association, and dated August twenty-second, one thousand eight hundred and seventy-eight, and recorded in said clerk's office, in book of deeds, volume one hundred and twenty, page five hundred and forty-six; lot number one hundred and sixty-nine on said plan, conveyed to him by deed from E. Rezeau Cook and wife and Samuel R. Jacques, dated August twenty-second, one thousand eight hundred and seventy-eight, and recorded in said clerk's office, in book of deeds, volume one hundred and twenty, on page five hundred and forty-four; and lot number twenty-five on said plan, by deed also from said association, dated February twentieth, one thousand eight hundred and seventy-nine, and recorded in said clerk's office, in book of deeds, volume one hundred and twenty-two, on page one hundred and eighty-two; and leaving no child, brother or sister, or other known kindred, but leaving him surviving his wife, Jane Evans; *and whereas*, said lots are of small value, and said Jane Evans is of advanced years and has no means whatever; therefore,

Title of the State vested.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the estate, right, title and interest of the people of the state of New Jersey in, to and upon all the above-recited lots or tracts of land whereof the said George Evans died seized, with the appurtenances thereunto belonging, or in any wise appertaining, is hereby released unto and vested in the said Jane Evans, widow of the said George Evans, and her heirs and assigns forever.

Approved March 14, 1887.

## CHAPTER XI.

A Further Supplement to an act relative to sales of land under a public statute or by virtue of any legal proceeding [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Sale of lands not invalidated by omission to publish advertisements.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no sale of land heretofore made shall be invalidated by reason of the omission to publish the advertisement of such sale, or the advertisement of any adjournment thereof, in two of the newspapers printed and published in the county in which such lands are situate;

Proviso.

*provided*, that such sale was duly advertised in one of such papers; nor shall any such sale be invalidated when the advertisement thereof, or the advertisement of any adjournment thereof, shall have been published in two newspapers printed and published in the county in which such lands are situate, neither of which newspapers were printed or published at the county seat of such county; but that any such sale shall be as good, valid and effectual in the law as if the same had been duly advertised in the manner now required by law;

Proviso.

*provided, however*, that nothing herein contained shall be construed to confirm the sale or sales of land without the order of the court or a judge, where such order is now required to be made to confirm the same, but that such court or judge may make such order confirming any such sale, or any confirmation heretofore made by the court having jurisdiction shall be good and effectual, notwithstanding any such omission to advertise as aforesaid.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 16, 1887.

## CHAPTER XII.

A Further Supplement to an act entitled "An act respecting the orphans' court, and relating to the powers and duties of the ordinary and the orphans' courts and surrogates" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Order for sale of lands, &c., declared valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any order for the sale of the lands, tenements, hereditaments and real estate of any testator or intestate, for the payment of his debts, heretofore made by the orphans' court of any county in this state, on or after the return day of the order to show cause therein, is declared to be valid and effectual to all intents and purposes, notwithstanding that the return day mentioned in said order to show cause was less than two months after the day of making such order; *provided*, that no objection by or on behalf of any party interested was presented to the court at or prior to the confirmation of the sale had under the said order for sale.

Proviso.

No sale of lands heretofore made to be held invalid.

2. *And be it enacted*, That no sale or sales of the lands, tenements, hereditaments and real estate of any testator or intestate for the payment of his debts heretofore made by virtue of an order for sale of any orphans' court of any county of this state shall be held or esteemed to be invalid by reason of the order to show cause prescribed in section seventy-one of the act to which this is a supplement having been made returnable in less than two months from the day of making such order to show cause, but that such sale or sales, if in other respects legal, and if the same shall have been confirmed by the said orphans' court, shall and the same are hereby declared to be valid and effectual in law.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 16, 1887.

## CHAPTER XIII.

An Act to authorize municipal corporations to contract for a supply of water for public uses.

Municipal corporations authorized to contract for supply of water.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any city, town or borough council or common council, or other governing body of any municipal corporation in this state not owning or controlling any water works to enter into and make a contract or contracts with any adjacent or adjoining municipal corporation, owning or controlling any water works, for a year or term of years, for the obtaining and furnishing a supply of water to be used by and within such municipal corporation for the purpose of extinguishing fires and for such other public uses and purposes as may be found necessary or convenient; and that such municipal corporation to be supplied with water as aforesaid may issue bonds to pay for the expenses of laying mains and pipes, erecting fire-hydrants and all other expenses incidental to the introduction and use of water in said municipal corporation in such sum or sums as the governing body thereof shall find necessary; *provided, however*, that the entire issue of bonds for water purposes shall not exceed the sum of one thirtieth of the total assessed value of the real estate in such municipal corporation as such rate shall appear by the last regular assessment preceding the issue of such bonds, said bonds to bear interest not exceeding the legal rate and be made payable at such period of time as the governing body of such municipal corporation may determine, not exceeding thirty years from the date thereof, which bonds may be sold for the best price that can be obtained therefor, but in no case at less than the par value of the same; and that said bonds shall be issued under the corporate seal of such municipal corporation and be signed by the mayor or other head officer and the treasurer or collector or other officer having the custody of the funds of such municipal corporation, which

Proviso.

bonds when so issued shall be a lien upon the real and personal estate within the limits of such municipal corporation; and the principal and interest of said bonds shall be raised by tax, at the same time and in the same manner and on the same property as other taxes are raised within such municipal corporation.

Municipalities may supply water to inhabitants under rules and regulations.

2. *And be it enacted*, That such municipal corporation may supply the water to the inhabitants thereof, upon such terms, and at such rates, and under such rules and regulations as the governing body of the same may determine, and that the money received from the sale of water as aforesaid shall be known as water rents, and after deducting therefrom the sum due under the contract by which the water is supplied to the said municipal corporation, and the sums necessary to defray the expenses of repairs and maintenance of such mains, pipes and fire hydrants, and for the extension of mains and pipes, and the erection of additional and necessary fire hydrants, and all other necessary expenses incidental to the introduction and use of the water as aforesaid, the balance or remainder of such water rents, if there be any, shall be applied to the payment of other legitimate municipal expenses.

Water rents, how applied.

Municipal corporations owning water works may enter into contract for supply of water.

3. *And be it enacted*, That it shall be lawful for any municipal corporation of this state owning or controlling any water works, to enter into and make a contract or contracts with any adjacent or adjoining municipal corporation of this state, not owning or controlling any water works, for the supply and distribution of water as in this act mentioned.

Act not to take effect until assented to by legal voters.

4. *And be it enacted*, That the provisions of this act shall remain inoperative in any city, town, borough or other municipality, until assented to by a majority of the legal votes cast for or against such measure, at any regular charter or general election to be hereafter held in such city, town, borough or other municipality, of which election the clerk of such city, town, borough or other municipality shall cause public notice of the time and place of holding the same, to be given by advertisements, signed by himself and set up in at least five public places in such city, town, borough or other municipality, and published in one or more newspapers printed therein for at least six days previous to the day of such election, and the ballots provided at such election for the said purpose shall contain either the words "For

Clerk to give notice of election.

water bill" or "Against water bill;" and if a majority of the votes cast for or against such measure shall be in its favor, then this act shall go into effect immediately.

5. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed.

Approved March 16, 1887.

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## CHAPTER XIV.

A Further Supplement to an act entitled "An act to provide for the erection of suitable monuments to mark the position of New Jersey regiments upon the battle-field of Gettysburg," approved April twentieth, one thousand eight hundred and eighty-five.

Appropriation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there be and is hereby appropriated from any moneys in the treasury not otherwise appriated, the further sum of nine thousand four hundred and fifty dollars, or so much thereof as shall be necessary to fully carry out the provisions of the act to which this is a supplement, and the provisions of the supplement approved April twenty-seventh, one thousand eight hundred and eighty-six.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 16, 1887.

## CHAPTER XV.

An Act providing for summary arrests for the violation of ordinances.

Summary arrests for violation of ordinances, by whom made.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city in this state it shall be lawful for the license inspector, by whatever name designated, or any police officer thereof, to summarily arrest any person keeping or letting for hire, or any driver in the employ of any such person, of any hack, cab, omnibus, stage, cart, wagon, truck, dray, or any other carriage or vehicle, for the transportation of passengers or merchandise, goods and articles of any description in said city, without a license, when it is required by any ordinance of such city to have a license therefor.

Magistrate to determine whether persons arrested have been guilty of violation of ordinances.

2. *And be it enacted*, That it shall be lawful to carry such person so arrested before any magistrate of said city before whom violations of ordinances are triable, whereupon such magistrate shall determine whether the person so arrested has been guilty of the violation complained of.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 16, 1887.

## CHAPTER XVI.

An Act accepting and assenting to on the part of the state of New Jersey of the appropriations and grants of moneys, as made and provided for in an act of the congress of the United States, approved March third, one thousand eight hundred and eighty-seven, entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several states under the provisions of an act approved July second, one thousand eight hundred and sixty-two, and of the acts supplementary thereto."

Act of Congress assented to.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an act of congress of the United States, approved March third, one thousand eight hundred and eighty-seven, entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several states under the provisions of an act approved July second, one thousand eight hundred and sixty-two, and of the acts supplementary thereto," and the appropriations and grants of moneys for the purposes therein made, be and the same are hereby accepted and assented to on the part of the state of New Jersey.

Assent of the State to act of Congress.

2. *And be it enacted*, That the assent of the state of New Jersey to the grants of moneys for the purposes, upon the terms, and in accordance with the several conditions and provisions in said act contained, is hereby signified and expressed, and the secretary of state is hereby directed to transmit a certified copy of this act to the secretary of the treasury of the United States.

[3.] *And be it enacted*, That this act shall take effect immediately.

Approved March 16, 1887.

## CHAPTER XVII.

An Act in relation to incorporated hospital associations.

Hospital Associations, powers of.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any hospital association incorporated under any special act of the legislature of this state to change the name of such association and to adopt a new name; to increase the number of managers and officers of such association, and to extend the terms for which they are or may be elected; to change and regulate the manner of appointing the medical staff of the hospital or hospitals of such association; to alter the qualifications of members of the association as to voting; to provide for honorary and life members of the association, and to make such other changes from time to time in the form of government of such association as may be consistent with the objects for which it was originally incorporated and which may not be contrary to the constitution of this state.

Change of name, how made.

2. *And be it enacted*, That any such change shall be adopted only by a two-thirds vote of the members of such association present at any regular meeting or at any special meeting called for the purpose of considering the same, and when so adopted a certified statement of such change or alteration, signed by the president and attested by the secretary, under the seal of the corporation, shall be filed in the office of the clerk of the county wherein the hospital of such institution is situated and in the office of the secretary of state of this state, and upon such filing the said changes or alterations shall have the same force and effect as if the altered provisions had been contained in the original act of incorporation; but no change in the name of such association shall in any wise affect or alter its rights and privileges or liabilities, but such association shall be entitled to have, receive and hold under its new name any property which it formerly held or which may be hereafter given or bequeathed to it under its original name. This act shall take effect immediately.

Certificate to be filed.

Approved March 16, 1887.

## CHAPTER XVIII.

An Act providing for the support of the State Industrial School for Girls.

Appropriation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the support and maintenance of the State Industrial School for Girls and for necessary repairs, the sum of six thousand dollars be and is hereby appropriated, and that the state treasurer is directed to pay the same on the warrant of the comptroller.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 16, 1887.

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## CHAPTER XIX.

A Supplement to an act entitled "An act respecting executions" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section twenty-three of the act to which this is a supplement, be and the same is hereby amended so as to read as follows:

Section as amended. Order for, if execution is returned unsatisfied.

23. *And be it enacted*, That when an execution against the property of any debtor, upon a judgment recovered or docketed in the supreme court, or in the circuit court, or court of common pleas for any county in this state, or which now is or hereafter shall be docketed in the court of common pleas from any of the courts for the trial of small causes of this state, shall be returned by the officer to whom it is delivered unsatisfied, in whole or in part, it shall be

lawful for any judge of the court out of which said execution issued, in term time or vacation, on application by the judgment creditor, in the manner hereinafter provided, to make order requiring the judgment debtor to appear and make discovery on oath concerning his property and things in action before such judge or a supreme court commissioner, to be designated in said order, at a time and place in said order specified; *provided, nevertheless*, that no such order shall be made when the amount due on such judgment shall be less than twenty-five dollars. Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1887.

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## CHAPTER XX.

A Supplement to an act entitled "An act concerning executors and the administration of intestates' estates," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where executors and administrators heretofore have and shall hereafter become purchasers of lands, tenements or hereditaments covered by any mortgage forming a part of the assets of the estate in their hands at a sale upon a foreclosure of any such mortgage, the conveyance of the title to the lands, tenements or hereditaments so purchased shall be construed to have vested and to vest an estate in joint tenancy in such executors or administrators, and the lands, tenements or hereditaments so conveyed shall be assets in their hands and may be sold and conveyed by them without any order of court, and they shall be accountable for and pay over the proceeds of such sales as other estate moneys in their hands, and where any executor or administrator shall have died or

Conveyances of lands, &c., to executors and administrators to vest an estate in joint tenancy.

Lands so conveyed may be sold without order of court.

been removed from office by any court of competent jurisdiction, or shall hereafter die or be removed from office by any court of competent jurisdiction, then and in every such case, any sale or conveyance of such lands, tenements or hereditaments made by the surviving or acting executor or executors, administrator or administrators, shall be construed to have vested and to vest in the purchaser or purchasers, grantee or grantees, the title to such lands, tenements or hereditaments in the same manner and as fully, to all intents and purposes, as if all had been living or acting and had joined in such conveyance.

Lands sold by surviving executor, &c., title to, vested in the purchaser.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1887.

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## CHAPTER XXI.

An Act to amend an act entitled "An act relative to sales of land under a public statute, or by virtue of any judicial proceedings" [Revision], approved March twenty-fifth, one thousand eight hundred and seventy-four.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this is an amendment be and the same is hereby amended so as to read as follows:

Section as amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases whatsoever, where any sheriff, coroner, master in chancery, executor, administrator, guardian, commissioners, auditors, or other officer or person, is now or hereafter shall be authorized or required by any public statute, or the direction of any court of competent jurisdiction in this state, to make sale of any lands, tenements, hereditaments or real estate, such officer or officers, person or persons, unless specially directed by law, shall give notice by public advertisements, signed by

Sale of lands, tenements, &c., to be advertised.

himself, herself, or themselves, and set up at five or more public places in the county, one whereof shall be in the township, ward or city where such real estate is situate, of the time and place of such sale, at least four weeks next before the time so appointed, and shall likewise cause the same to be published in two of the newspapers printed and published in the county in which the lands are situate, of which one shall be a newspaper printed and published at the county seat of said county, if a newspaper be published at such county seat, and if no newspaper be published at the county seat, then in any two newspapers published in the county and circulating in the neighborhood of said lands, at least four weeks successively, once a week, next preceding the time appointed for selling the same, and at the time and place so appointed, between the hours of twelve and five in the afternoon, such officer or officers, person or persons shall sell the same by public vendue to the highest bidder.

Approved March 17, 1887.

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## CHAPTER XXII.

A Supplement to the act entitled "An act concerning savings banks," approved April twenty-first, one thousand eight hundred and seventy-six.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section thirty-four of the act to which this is a supplement, and which said section thirty-four is in the words following, to wit:

Section a amended, managers may receive compensation.

"34. *And be it enacted*, That it shall be lawful for managers of such corporation, acting as officers of the same, whose duties require and receive their regular and faithful attendance at the institution, to receive such compensation as in the opinion of a majority of the board of managers shall be just and reasonable; *provided*, that the said state board provided for in section eight may reduce the amount of

Proviso.

such compensation if in their judgment the same is fixed at an excessive amount, but no manager shall receive a larger compensation than the sum of three dollars for each occasion of his attendance at meetings of the board of managers or of committees thereof," shall hereafter embrace and apply to all savings banks within this state, created by or existing under or by virtue of any special charter or act of the legislature of this state, anything in such special charters or acts to the contrary notwithstanding.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1887.

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## CHAPTER XXIII.

A Further Supplement to an act entitled "An act to authorize the construction, curbing and paving of sidewalks and crosswalks in townships," approved May ninth, one thousand eight hundred and eighty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section seven of the act to which this is a supplement, and which reads as follows:

Section to be amended.

"7. *And be it enacted*, That when the construction, curbing and paving of such sidewalks and crosswalks shall have been completed, it shall be the duty of the township committee to add to the contract price of the work and materials specified in the second subdivision of the next preceding section such part of the expenses of surveying, calculations, maps, printing, fees and all other necessary expenses appertaining to the construction of such sidewalks (exclusive of the contract work) as the contract price of the work and materials specified in such second subdivision is of the contract price of the work and materials specified in both of the subdivisions of the next preceding section, to which sum shall be added interest thereon at six per cent-

um per annum for three months, which last sum shall be the amount to be assessed upon the owners of lots in front of which or bordering which said sidewalks have been constructed, curbed and paved," be amended so as to read as follows:

Section amended, when work completed, certain expenses to be added to contract price.

7. *And be it enacted*, That when the construction, curbing and paving of such sidewalks and crosswalks shall have been completed, it shall be the duty of the township committee to add to the contract price of the work and materials specified in the foregoing subdivisions of the next preceding section, the expenses of surveying, calculations, maps, printing, fees and all other necessary expenses appertaining to the construction of such sidewalks and crosswalks (exclusive of the contract work), to which sum shall be added interest thereon at six per centum per annum for three months, which sums shall be the amount to be assessed upon the owners of lots benefited by such improvement.

2. *And be it enacted*, That section eight of the act to which this is a supplement be and the same is hereby amended to read as follows:

Section amended, to assess proportion of cost on lots benefited.

8. *And be it enacted*, That the township committee, having ascertained the total amount to be assessed upon the owners of lots as aforesaid, shall in writing under their hands and seals, assess upon each lot or plot such proportion of such cost as such lot or plot is benefited thereby in proportion to the benefit received, which assessment shall include the name or names of the owner or owners, if known, a brief description of the location of such lot or plot, and the total amount of the assessment, and such committee shall cause the same to be filed with the clerk of said township, who shall immediately cause notice of that fact and of the time and place when objections to said assessment will be heard by said committee, to be published in said newspaper for two weeks; and all objections in writing presented at such time and place shall be considered and adjudicated upon by said committee, and if said committee shall order the correction of said assessment in any particular, such correction shall be certified by the chairman of said committee and filed with the clerk thereof, and said committee shall then, by resolution to be entered in the minutes of their proceedings, confirm the said assessment

Assessment to be filed and notice to be published.

so made and corrected, and all such assessments so confirmed shall become due and payable at the expiration of three months from the time of confirming the same.

3. *And be it enacted*, That section nine of the act to which this is a supplement be and the same is hereby amended to read as follows:

Section amended, collection of assessment.

9. *And be it enacted*, That within five days after the assessments shall have been confirmed and entered in the minutes as aforesaid, the township clerk shall deliver a certified copy of the same to the collector of taxes in such township, who shall, within fifteen days after receiving the same, demand payment of the sum so assessed upon the owner or owners of each lot of land by delivering to the owner of each lot or to one of the owners of each lot, residing within his township, or by leaving at the place of residence of any owner residing within his township, or by delivering to the agent of any such owner or owners a notice in writing, or printed, which notice shall set forth the name or names of the owner or owners, a brief description of the location of such lot, the amount of the assessment, and the time when the same shall become due and payable, and if any owner or owners shall reside out of his township the said collector shall, within the same time, send a like notice to him, her or them, by mail, with postage prepaid, directed to his, her or their last known post office address; *provided*, that the provisions of this act shall not apply to townships in counties having less than one hundred thousand inhabitants.

Proviso.

Section repealed.

4. *And be it enacted*, That section twenty-nine of the act to which this is a supplement be and the same is hereby repealed.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1887.

## CHAPTER XXIV.

A Further Supplement to an act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six.

Certain property, how taxed and collected.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all houses, cottages and other buildings which are personal property, shall be assessed and taxed in the taxing district where the same are situated, in the name of the owner thereof, if he is known, and if he is unknown then in the name of the occupant of the same or of the owner of the land whereon the same are situated; and the taxes levied upon such houses, cottages and buildings may be collected in the same manner as taxes on other personal property are collected.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1887.

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## CHAPTER XXV.

A Supplement to an act entitled "An act for the formation of borough governments in sea side resorts," approved March twenty-ninth, one thousand eight hundred and seventy-eight.

Boroughs may build, construct and operate water works.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any borough incorporated under the act to which this is a supplement, to build, construct, operate and maintain water works for the purpose of supplying the inhabitants of such borough with water.

May issue bonds.

2. *And be it enacted*, That it shall be lawful for such borough, for the purpose of erecting, constructing and operating such works, to issue and sell its bonds to an amount not to exceed thirty-five thousand dollars; *providing, however*, such bonds shall not bear interest at a rate in excess of six per cent. per annum, or be sold for an amount less than the par or face value thereof; *and provided further*, that such bonds shall in no case be issued, unless a petition be first presented to the council of such borough petitioning said council to issue such bonds, which petition shall be signed by persons representing at least one-half the taxable property within the limits of such borough, as shown by the last duplicate of the assessor.

Proviso.

Proviso.

Copy of ordinance or resolution to be filed in office of Secretary of State

3. *And be it enacted*, That whenever any such borough shall, by ordinance or resolution, determine to erect water works, it shall be the duty of the clerk of such borough to transmit without delay a copy of such ordinance or resolution to the secretary of state, who shall file the same in his office, whereupon three freeholders, residents of the state of New Jersey, shall be forthwith appointed to be known as "The Water Commissioners of the Borough of ————," whose duty it shall be to erect, construct, maintain and operate such water works for and on behalf of such borough.

Appointment of Water Commissioners.

Commissioners, by whom appointed and term of office.

4. *And be it enacted*, That one of said commissioners shall be appointed by the governor of the state of New Jersey, and two of said commissioners shall be appointed by the council of the borough in which such water works are to be constructed and operated; and said commissioners shall serve as such for the term of three years and thence until their successors are appointed; and the appointment of the successor of the commissioner appointed by the governor shall be made by the governor, and the appointment of the successors appointed by the council shall be made by the council.

Powers and duties of commissioners.

5. *And be it enacted*, That said commissioners shall have the entire superintendence and control of the construction and operation of said water works, and shall determine the place and manner of their construction and operation, and shall in the name of such borough execute and consummate all necessary and appropriate contracts and agreements, purchases of land and materials, and perform all other acts necessary to the construction and operation of

such water works, and shall draw all necessary orders on the fund provided for the erection, maintenance and operation of said works, for the payment of the costs and expenses thereof, and pay into the borough treasury all moneys received in the operation of the same.

When works are completed, report to be made.

6. *And be it enacted*, That on the completion of said works, said commissioners shall prepare a report of the same, which report shall set out at length the work accomplished by said commissioners together with a full and complete statement of the costs and expenses of the same; which report shall be prepared by said commissioners in duplicate, verified by their affidavits, and one copy of the same filed with the council of said borough, and one copy with the secretary of state.

Where filed.

Quarterly reports to be made.

7. *And be it enacted*, That from and after the completion of said water works, said commissioners shall make report quarterly to the council of said borough of the expenditures and receipts during each such quarter, and shall annually make a sworn report to said council and secretary of state showing the condition of said water works, and a summary of the receipts and expenditures during the preceding year.

Vacancies, how filled.

8. *And be it enacted*, That in the event of any vacancy occurring by other cause than expiration of a term of office in the office of commissioner, such vacancy shall be filled by appointment made by the council of said borough for and during such unexpired term.

Commissioners to give bonds.

9. *And be it enacted*, That each of said commissioners shall, before entering on the duties of his office, execute a bond to the borough for which they are appointed, with sufficient freehold security, in the sum of ten thousand dollars, to well, faithfully and honestly execute and perform the duties of his office to the best of his ability and understanding.

Compensation.

10. *And be it enacted*, That each of said commissioners shall annually receive as a compensation for his services the sum of two hundred dollars.

11. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1887.

## CHAPTER XXVI.

An Act to provide for licensing boats, hacks and other vehicles and the owners and drivers thereof, and also hucksters and peddlers of merchandise and provisions, or persons soliciting orders for the sale thereof, by incorporated camp-meeting associations or seaside resorts, and also to enable such associations or seaside resorts to prescribe penalties for the violation of any of their ordinances, by-laws, rules or regulations.

Camp-meeting associations authorized to establish ordinances, &c., for certain purposes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of trustees, directors, commissioners or other corporate authorities of any incorporated camp-meeting association or seaside resort shall have power within the premises of said corporation to make, establish, publish and modify, amend or repeal ordinances, rules, regulations and by-laws for licensing and regulating cartmen, porters, hack, cab, omnibus, stage and truck owners and drivers, or owners and drivers of market wagons, garbage wagons, baggage wagons, milk wagons and carriages and vehicles used for the transportation of passengers and merchandise, and boats upon the lakes and premises of said corporations used for the transportation of passengers, and also hucksters and peddlers of merchandise and provisions, or persons soliciting orders for the sale thereof (but this act shall not be construed to require a license from any person or persons selling or exposing for sale produce of their own growing), and to fix the rates of compensation to be paid to them, and to prohibit unlicensed persons and vehicles from acting or being used in such capacities, and to impose a license fee or license fees therefor, and the fees for such licenses may be imposed for revenue.

To prescribe penalties for violation of ordinances, &c.

2. *And be it enacted*, That it shall and may be lawful for the said boards of trustees, directors, commissioners or other corporate authorities to prescribe a penalty or penalties

for the violation of such ordinances, rules, regulations or by-laws, or for the violation of any other ordinances, rules, regulations or by-laws which may be lawfully passed by them for any other purpose, either by imprisonment in the county jail not exceeding ten days or by fine not exceeding twenty dollars, and any justice of the peace, police justice or officer specially commissioned, possessing the powers of police justices, appointed or to be appointed for any such corporation, shall have jurisdiction of such cases and may hear and determine the same and give judgment and issue execution for collection of such fine or fines to be levied on any personal property owned by such person or persons fined as aforesaid, directed to any marshal or peace officer appointed or to be appointed for such corporation, or to any constable of the county in which said corporation is situate, which execution shall be levied, executed and returned in the same manner as executions in other cases, or in case of sentence to imprisonment in the county jail may issue his warrant for the imprisonment of such offender as in other cases cognizable before him.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1887.

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## CHAPTER XXVII.

A Further Supplement to an act entitled "An Act to enable incorporated towns to construct water works for the extinguishment of fires and supplying the inhabitants thereof with pure and wholesome water," passed March fifth, one thousand eight hundred and eighty-four,

When certain sum is insufficient to construct or complete water works, election to be had to determinewhether additional sum shall be raised, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the board of water commissioners of any town, incorporated borough, camp meeting association or other municipal commission of this state shall find that said sum of sixty thousand dollars, provided for in the act to which this is a supplement, is insufficient for the purpose of constructing and fully completing

said water works, or that the water works and reservoirs, aqueducts, apparatus, erections, works, establishments and fixtures for supplying water of any such town, incorporated borough, camp meeting association or other municipal commission are inadequate to furnish a sufficient quantity of pure and wholesome water for the purposes designated in and contemplated by said act, that then the said board of water commissioners shall report said fact to the board of commissioners or other governing board or body of such town, incorporated borough, camp meeting association or other municipal commission, and it shall thereupon be the duty of such board of commissioners or other governing board or body to order and appoint an election of the legal electors thereof to be held in such town, incorporated borough, camp meeting association or other municipal commission to determine whether an additional sum shall be raised for said purpose, and, if so, what sum, not exceeding, with the sum already appropriated, in the whole one hundred thousand dollars; of which election the clerk of such town, incorporated borough, camp meeting association or other municipal commission shall cause public notice of the time and place of holding the same to be given by advertisements, signed by himself and set up in at least five public places in such town, incorporated borough, camp meeting association or other municipal commission, and published in one or more newspapers, printed therein for at least six days previous to the day of such election, and said clerk shall provide for each elector voting at such election ballots, to be printed or written or partly printed and partly written, on which shall be either the words "For an additional appropriation for water supply under the provisions of the act entitled 'An act to enable incorporated towns to construct water works for the extinguishment of fires and supplying the inhabitants thereof with pure and wholesome water' and the supplements thereto $ ," or "Against an additional appropriation for water supply under the provisions of the act entitled 'An act to enable incorporated towns to construct water works for the extinguishment of fires and supplying the inhabitants thereof with pure and wholesome water' and the supplements thereto;" and that the polls for such election shall be held at the same places, and shall be opened and closed at the same hours, and such election

Sum not to exceed certain amount.

Notice of election to be given.

Form of ballots.

Election by whom and how held.

shall be conducted by the same officers and in the same manner, and such officers shall return a statement of the result of such election, which shall be entered in the same manner as is prescribed and provided for in the twentieth section of the act to which this is a supplement.

2. *And be it enacted*, That should the legal electors of such town, incorporated borough, camp meeting association or other municipal commission at such election vote an additional sum for such water works, that it shall be the duty of the board of commissioners or other governing board or body of such town, incorporated borough, camp meeting association or other municipal commission to issue the bonds of said town, incorporated borough, camp meeting association or other municipal commission for said sum, said bonds to bear a rate of interest not exceeding the legal rate, payable semi-annually, the principal thereof to be payable in thirty years from the date thereof, or sooner, at the option of said town, incorporated borough, camp meeting association or other municipal commission, and it shall be the duty of the treasurer, or other disbursing officer thereof to make sale of the bonds so issued at not less than their par value, and to pay the proceeds of said sales to said board of water commissioners, to be by them appropriated according to the provisions of said act.

Commissioners to issue bonds for additional sum.

Duties of Treasurer.

3. *And be it enacted*, That it shall be lawful for such board of water commissioners, when in their opinion they shall deem it advisable, either before the construction of said water works or at any time thereafter, to purchase any stream or streams of water, well or wells of water, or reservoirs, aqueducts, apparatus, works, establishments or fixtures, or system or partial system of water works with the appurtenances thereto belonging or attached, owned by any person or persons or corporation, and the same to consolidate with and form part of the water works system of such town, incorporated borough, camp meeting association or other municipal commission; *provided, however*, that such proposed purchase and the terms thereof shall be first reported by such board of water commissioners to the board of commissioners or other governing board or body of such town, incorporated borough, camp meeting association or other municipal commission, and such purchase shall be

Water commissioners may purchase streams of water, wells, &c.

Proviso.

ratified and directed by such board of commissioners or other governing board or body.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1887.

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## CHAPTER XXVIII.

A Supplement to the act entitled "An act to enable incorporated towns to construct water works for the extinguishment of fires and supplying the inhabitants thereof with pure and wholesome water," passed March fifth, one thousand eight hundred and eighty-four.

Commissioners may extend water pipes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any incorporated town where water works have been constructed pursuant to the provisions of the act to which this is a supplement, the water commissioners may extend the water pipes through any street of said town not before supplied with water by said water works, and such portion of the moneys received from the water rents and prices paid for the use of water as may remain after paying all expenses for maintaining the works and raising and distributing the water, and salaries, wages and incidental expenses and charges, shall be applied first to the payment of the expenses of such extension, and next to the payment of the interest upon the debt created for the construction of the works, if any there be; *provided*, no such extension or appropriation shall be made without having been first submitted to and approved by the board of commissioners or other governing body of said town.

Water rents how applied.

Proviso.

Approved March 17, 1887.

## CHAPTER XXIX.

An Act to authorize certain railroad companies of this state to borrow money and secure the repayment thereof by mortgage upon their property and franchises.

Companies authorized to borrow money, &c., and to secure the payment thereof by mortgages, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any railroad company of this state, the amount of whose mortgage indebtedness shall have been definitely fixed by special law, shall have power, notwithstanding any such limitation, to borrow such sum or sums of money, from time to time, as shall be necessary to pay off or retire its existing and maturing mortgage indebtedness, to lay an additional track where its railroad is now composed of a single track and sidings, or to otherwise improve its railroad, and furnish engines and other equipment for the uses and objects of said company, and to secure the repayment thereof by the execution, negotiation and sale of any bond or bonds secured by mortgage on the railroad, lands, privileges, franchises and appurtenances of and belonging to the said company; *provided*, that the whole mortgage indebtedness of any such company shall not at any time exceed the amount of its capital stock; *and provided*, that the bonds issued under any such mortgage shall not bear a greater rate of interest than six per centum per annum; *and provided, further*, that before any such mortgage shall be executed the consent of two-thirds in value of the stockholders of such company shall first be obtained.

Proviso.

Proviso.

Proviso.

Repealer.

2. *And be it enacted*, That all acts and parts of acts, general or special, inconsistent with this act be and are hereby repealed, and this act shall take effect immediately.

Approved March 22, 1887.

## CHAPTER XXX.

An Act to authorize the boards of chosen freeholders in the several counties of this state to assume and exercise the custody, rule, keeping and charge of the county jails in their respective counties, and of the prisoners in such jails, and for the regulation and management of such jails and of the prisoners therein.

Authorized to assume and exercise the custody and keeping of county jails and prisoners, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of chosen freeholders of any county in this state to assume and hereafter to exercise the custody, rule, keeping and charge of the county jails in their respective counties, and of the prisoners therein, whenever any such board shall decide, by the affirmative votes of two-thirds of all its members, so to do, and shall file a certificate of such decision attested by the director and the clerk of such board, in the office of the secretary of state; and when such certificate shall have been so filed, the custody, rule, keeping and charge of the county jail in such county shall be no longer in the sheriff of that county, but in the board of chosen freeholders thereof, and in such jailor, keeper or warden as they shall appoint for that purpose.

Certificate to be filed.

Board of freeholders to appoint warden.

2. *And be it enacted*, That in any county where the board of chosen freeholders shall assume the custody, rule, keeping and charge of the county jail and of the prisoners therein, as aforesaid, such board shall, by the votes of a majority of all its members for the time being, appoint some fit person to be the keeper or warden of the jail or jails of the county, who shall hold his office for the term of five years and until his successor shall be appointed in his stead and shall have duly qualified and given bond; such jail warden may be removed from office at any time, by the affirmative votes of two-thirds of all the members of the board of chosen freeholders of the county for the time being, for good cause appearing to them; such warden be-

Term of office and how removed.

To give bond.

fore he enters upon the discharge of the duties of his office, shall give bond to said board of chosen freeholders, in such sum and with such sureties as said board shall prescribe, conditioned for the full and faithful performance of the duties of his office.

When sheriffs are not to be held liable for escape of prisoners.

3. *And be it enacted*, That in all cases where any sheriff, undersheriff, coroner or constable shall be by law authorized or required to confine or keep in jail any person arrested or in custody on any civil process, or in any civil suit or proceeding, by surrender in discharge of bail or in any other way, such sheriff, undersheriff, coroner or constable shall deliver said person so arrested or in custody to the jail warden of said county, if there shall be one, within said jail, with a copy of the process, commitment or surrender by virtue of which said person was arrested or is in custody, and after such delivery such sheriff, undersheriff, coroner or constable shall not be liable for any escape of such prisoner; but the board of chosen freeholders of the county, or their warden, if they shall have appointed one under the provisions of this act, shall, for any escape after such delivery, be liable in the same manner as the sheriff of the county would be if he had the custody, rule, keeping and charge of the county jail of such county and of the prisoners therein; such sheriff, undersheriff, coroner or constable may require such jail warden to give a receipt, upon the process or commitment by which such prisoner may be arrested or held, for the body of such prisoner.

Warden held liable.

Sheriff may take from persons arrested, bail bond, &c.

4. *And be it enacted*, That the sheriff, undersheriff, coroners or constables in each of said counties shall take from any person arrested on a capias ad respondendum, and committed thereon to the county jail in manner aforesaid, at any time before the return of the writ, the like bail bond, with like condition and sureties as are by law required in other cases, and shall certify the same to the warden of such jail, and direct such person to be discharged from said custody, and such certificate of the sheriff or other officer as aforesaid, shall authorize such jail warden to discharge such person from custody in the suit wherein the bond was taken, and the sheriff or other officer shall make such return to said writ, and be required to produce the bail bond, if required, in the same manner as if the defendant had not been committed to jail.

To certify to warden.

Wardens to be masters of workhouse.

5. *And be it enacted*, That in every county where the board of chosen freeholders shall appoint a jail warden as aforesaid, such warden shall be the master of the workhouse in such county, if there be one, and said workhouse, or so much of it as shall be so declared by said board, shall be part of the common jail of said county; said jail warden shall put and keep at such work as they are able to perform, at such place or places in the county as may be designated by the said board, all persons who may be by law required to work, during their continuance in his custody.

Persons committed to be delivered to the warden.

6. *And be it enacted*, That all persons committed to the county jail according to law, by any committing magistrate, shall be delivered to the warden of such jail, if there be one, and by him held in custody until discharged by due process of law.

Board to prescribe rules, &c. for management of jail, &c.

7. *And be it enacted*, That when the board of chosen freeholders of any county shall have assumed the custody, rule, keeping and charge of the county jail of such county, said board shall prescribe rules and regulations for the management and conduct of such jail, and the employment, maintenance and keeping of the prisoners therein, and may authorize and require the jail warden to enforce such rules and regulations, and to punish any breach of the same by the prisoners, and any refusal to work, or any insubordination, by solitary confinement, change or diminution of food and diet, or such other reasonable punishments as they may prescribe.

When appointment of warden to take effect.

8. *And be it enacted*, That no appointment of any jail warden as aforesaid shall take effect in any county during the term of office of any sheriff now in office in any such county.

Approved March 23, 1887.

## CHAPTER XXXI.

Supplement to an act entitled "An act for the formation of Borough Commissions," approved March seventh, anno domini one thousand eight hundred and eighty-two.

Failure to hold election for commissioners or officers, chosen freeholders to call election.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever an election has been or shall hereafter be held under the act to which this is a supplement, to decide whether a borough commission should or shall be formed under said act, and when at such election a majority of the votes cast have been or shall be for borough commission, and the result of such election has been or shall be certified to the clerk of the county in which such borough commission is located, according to the provisions of said act, and said borough commission has neglected or shall neglect, for the space of six months, to hold an election to elect commissioners or officers for said borough commission, then it shall be the duty of the chosen freeholder, or if more than one then of one of the chosen freeholders of the township in which said borough commission is located, upon request to him in writing, signed by ten legal voters of said borough commission, to call an election to decide whether said borough commission shall be continued or set aside, by notice in writing under his hand, setting forth the time and place of such proposed election, and stating the object of the said election to be to vote to continue said borough commission, or to set aside said borough commission, which notice shall be set up at least ten days previous to the said proposed election in five of the most public places within the limits of said borough, and published at least twice in a newspaper printed and published within said borough limits, if any, or, if none so published, then in a newspaper printed and published in the county wherein said borough is situated; and the polls shall be opened at the hour of two o'clock in the afternoon, and close at seven o'clock in the evening of the same day.

Notice of election to be set up and published.

Opening and closing of polls.

Chosen Freeholder to appoint election officers.

2. *And be it enacted*, That the said chosen freeholder shall appoint, by writing under his hand, a clerk and two inspectors of said election, who shall be legal voters within said borough, and who shall hold and conduct the election aforesaid at the time and place specified in said notice, and the said election shall be conducted, and the result thereof certified to the clerk of the said county and filed in the clerk's office of said county, in the same manner as provided for in said act to which this is a supplement, in voting for or against the formation of such borough commission, and the voters at such election shall vote by ballot, and the ballot shall contain the words: "to continue borough commission," or "to set aside borough commission," and if a majority of the votes be cast "to set aside borough commission," then said borough commission shall be set aside and of none effect.

Elections by whom and how conducted.

Form of ballot.

Expenses of advertising and holding election by whom borne.

3. *And be it enacted*, That the expense of advertising and holding said election shall be defrayed and borne by the persons requesting the said chosen freeholder to call said election as mentioned in section one of this supplement; the freeholder calling said election shall, for his services, be entitled to the sum of two dollars, and the clerk and inspectors holding said election shall be entitled to receive the same fees as are allowed for like services at state elections.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1887.

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## CHAPTER XXXII.

An act regulating consolidated school districts and the election of the boards of trustees therein.

Division of municipality not to create division of school districts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all municipalities where a consolidated school district has been formed from two or more individual districts by reason of the incorporation of

such municipality, any subsequent division of such municipality shall not create a division of said consolidated school district.

Districts how known.

2. *And be it enacted*, That for the better government and representation of such consolidated districts, the original individual districts of which such consolidated district is formed shall be known as sub-district number one, two, three, four and so on of school district No. —, of —— county, and that in such consolidated district the elective members of the board of trustees or board of education shall consist of two members elected from each individual district, whose term of office shall be equal in length to the number of original districts from which the consolidated district was formed, but that both of said trustees from said sub-districts shall not be elected in one year.

Board of trustees how constituted.

Board of trustees to distribute representation.

3. *And be it enacted*, That before the first annual election after the passage of this act, the existing board of trustees or board of education of such consolidated district shall meet and so distribute the representation by trustees; that at the coming annual election two trustees shall be elected to represent the sub-districts in which there may have been no trustees heretofore elected, and shall so divide the time for which said trustees or members of the board of education shall be elected that a portion of the board shall be elected each year, but no two from any sub-district shall be elected in any one year after the first election; that notice of such distribution and the length of time for which said members shall be elected shall be published by the district clerk in his notice of the annual election of school trustees; *provided*, that all trustees or members of the board of education now in office shall remain in office until the time for which they have been elected has expired.

Election of trustees.

Proviso.

Act not to apply.

4. *And be it enacted*, That this act shall take effect immediately, but shall not apply to districts that are governed by the charters of any chartered municipality.

Approved March 23, 1887.

## CHAPTER XXXIII.

An act concerning idiots, lunatics, habitual drunkards and persons alleged to be lunatics by reason of their minds being so unsound as to render them incapable of controlling themselves and their property.

Sheriff to summon jurors in cases of idiocy, lunacy, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act it shall and may be lawful for the sheriff in all cases of idiocy, lunacy, habitual drunkenness, and persons who are alleged to be lunatics by reason of unsoundness of mind so as to render them incapable of managing their property and themselves (and in all cases in which a commission has been issued and not yet been executed), to summon twelve jurors, instead of twenty-four as now provided by law, who shall inquire into and determine and find the truth of the matters alleged in the commission or inquisition, and whose verdict, when found, shall be as legal and binding as if found by twenty-four jurors, and that in all cases in which a commission shall hereafter issue, or has been issued and not yet been executed, it shall be lawful for the chancellor to allow to the master who may preside at such commission, and also to the other commissioners, such compensation as under the circumstances may be reasonable and proper, and to the jurors who may be summoned the same compensation as is now allowed by law to jurors in the circuit courts of this state; the same to be paid out of the estate of the person who is the subject of the inquisition.

Chancellor to allow compensation to master and commissioners.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1887.

## CHAPTER XXXV.

An Act validating and confirming sales for taxes, and certificates and declarations issued in pursuance thereof, and tax titles and rights acquired thereunder, in cases where the time of holding such sales has not been in accordance with the requirements of section one of an act entitled "An act relative to sales of lands under a public statute, or by virtue of any judicial proceedings" [Revision], approved March twenty-seventh, anno domini one thousand eight hundred and seventy-four.

Sales of lands, certificates and declarations issued validated and confirmed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all sales of land for taxes heretofore made or had, and all certificates and declarations of sale issued in pursuance thereof, and tax titles and rights acquired thereunder, although the time at which such sales have been made or held, has not been between the hours prescribed in section one of an act entitled "An act relative to sales of lands under a public statute, or by virtue of any judicial proceedings" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, be and they are hereby validated and confirmed, and the same shall be deemed and taken to be to all intents and purposes as good and effectual in law, and the record thereof admissible in evidence, as fully and completely as if said sales had been made and held between the hours mentioned and designated in said section one of said aforesaid act; *provided, however*, that notice of such sales shall have been actually given for the specified number of days required by any law, general or special, prior to such sale.

Proviso.

2. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 23, 1887.

## CHAPTER XXXVI.

A Supplement to an act entitled "An act to regulate the practice of courts of law" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two hundred and thirty-two of the act to which this is a supplement be amended so as to read as follows:

Non-resident plaintiff to give bond.

232. *And be it enacted*, That if the plaintiff reside out of this state he shall, if required, before issue joined, give bond to the defendant in one hundred dollars, with at least one sufficient surety, being a freeholder and resident in this state, with condition to prosecute his action with effect, and to pay costs if he discontinue, be non-suited, or a judgment pass against him, which bond shall be filed in the clerk's office of the court in which such action is pending.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1887.

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## CHAPTER XXXVII.

Supplement to an act entitled "An act to provide for drainage where the same is necessary to the public health," approved March twenty-fourth, one thousand eight hundred and eighty-one.

Upon failure or commissioners to file report court may order report to be filed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the said commissioners fail or neglect to file the report required to be filed

by them under and by virtue of the provisions of the first section of the act entitled "Supplement to an act entitled 'An act to provide for drainage where the same is necessary to the public health,'" approved March twenty-fourth, one thousand eight hundred and eighty-one, and which said supplement was approved the twentieth day of February, one thousand eight hundred and eighty-six, the said court appointing said commissioners may, upon application of any persons or person interested, by their order direct said commissioners, within a certain time to be therein fixed, to file their said report; and thereupon any persons or person interested therein may, within thirty days from the time limited in said order for the filing of said report, file exceptions thereto.

Court may order exceptions to be filed.

2. *And be it enacted*, That in case said commissioners shall have filed or shall hereafter file their said report, out of time, the said court may at any time, upon application of any persons or person interested, order that exceptions thereto may be filed within such time as the said court shall direct, and that notice of such order and the filing of said exceptions be given to the said commissioners.

Court to proceed and hear exceptions.

3. *And be it enacted*, That upon the filing of the exceptions in the last two preceding paragraphs provided for, the said court shall proceed to hear the same in manner provided in the second section of the act herein last above referred to.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 24, 1887.

## CHAPTER XXXVIII.

An Act respecting the appointment of state detectives and state policemen.

Person convicted of crime not to be commissioned as detective or state policeman.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person who has been convicted of and served a term of imprisonment for having committed the crime of forgery, perjury, burglary, arson, highway robbery, or counterfeiting money, or any of said crimes, shall hereafter be commissioned by the governor of this state to act as a state detective or state policeman within this state.

Persons now holding commissions who have been convicted, not to act.

2. *And be it enacted*, That no person or persons now holding a commission from any governor of this state as state detective or state policeman, who have been convicted of and served a term of imprisonment for having committed any of the said crimes of forgery, perjury, burglary, arson, highway robbery, or counterfeiting money, shall hereafter act as such state detective or policeman within this state,

Penalty for offending against provisions of act.

and all persons offending against the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one hundred dollars or imprisonment for one year, or both, at the discretion of the court before which the conviction shall be had.

Approved March 24, 1887.

## CHAPTER XXXIX.

An Act providing for appropriations for the New Jersey State Reform School for Boys.

Appropriation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there be appropriated the sum of ten thousand dollars to be expended in fitting up a manual training school for the boys, the providing necessary heating apparatus for the family buildings, the construction of some needed sanitary improvements, the purchase of fire hose and the laying of a water pipe for fire purposes to the barns.

Money how used.

2. *And be it enacted*, That the money hereby appropriated be used for no other purposes than is specified in this act.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 24, 1887.

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## CHAPTER XL.

An Act to extend the time for the completion of railroads.

Time of completion of railroads extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all railroad companies incorporated by any special act of the legislature of this state, part of whose railroad has been built and is now in operation, the time of completion of which shall expire during the year one thousand eight hundred and eighty-seven, be and they are hereby authorized and empowered to complete their respective railroads or any part thereof within two years from the passage of this act, and alter or amend the

Location may be altered or amended.

location of such uncompleted portions, by filing the surveys of same in the office of the secretary of state, subject to all the powers and restrictions contained in their several acts of incorporation and supplements thereto.

Act not to apply unless agreement be filed waiving all rights of exemption from taxation, &c.

2. *And be it enacted*, That this act shall not apply to any corporation unless such corporation shall first, and as a condition precedent, to the exercise of any power granted by this act, file in the office of the secretary of state an agreement, to be approved by the governor and attorney-general, waiving all rights of exemption from taxation and from privileges and advantages arising from any law or contract (if any there be) establishing any special mode of taxation of any such corporation, and the further agreement to be bound by any general law of this state now in existence, or that may hereafter be passed, taxing such corporations as are now authorized to be taxed by the legislature of the state under any general law, and further agreeing that the exercise of any power granted by this act shall not in any way affect the rights of the state (if any there exist) to take the property of such corporation under any existing law of the state, and agreeing further that all laws affecting such corporations shall be subject to alteration or repeal by the legislature.

3. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Approved March 24, 1887.

## CHAPTER XLII.

A Further Supplement to an act to repeal the first section of an act entitled "An act for the protection of fish," approved April sixteenth, one thousand eight hundred and eighty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of said act, which by a supplement thereto approved April sixteenth, one thousand eight hundred and eighty-six, was amended to read as follows:

Section to be amended.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful to cast or draw any seine or net of a mesh smaller in size than four and one-half inches in the Delaware river above the foot of Trenton Falls between the first day of April and the fifteenth day of June in each year; and it shall not be lawful to cast or draw any seine or net in said river above the foot of Trenton Falls between the fifteenth day of June and the first day of November in any year, excepting small mesh nets used for the purpose of catching bait, and known as minnow nets," is hereby further amended to read as follows:

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful to cast or draw any seine or net of a mesh smaller in size than four and one-half inches in the Delaware river above the foot of Trenton Falls between the twenty-fifth day of April and the fifteenth day of June in each year; and it shall not be lawful to cast or draw any seine or net in said river above the foot of Trenton Falls between the fifteenth day of June and the first day of November in any year, excepting small mesh nets used for the purpose of catching bait and known as minnow nets.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 28, 1887.

## CHAPTER XLIII.

A Further Supplement to an "Act for the formation of borough governments," passed the fifth day of April, anno domini one thousand eight hundred and seventy-eight.

Legal voters may designate sum of money to be raised by taxation for borough purposes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall and may be lawful for the legal voters in any borough incorporated in pursuance of the act to which this is a supplement or the supplement thereto, at each election for mayor and councilmen, by vote, and upon the same ballot used in voting for said officers, to designate the sum of money which shall be raised by taxation for borough purposes for the ensuing year; and the amount or sum having the greatest number of votes shall be the limit of moneys so raised by taxation;

Proviso.

*provided*, that such sum shall not exceed a tax of fifty cents on every hundred dollars of assessed valuation of the taxable real and personal estate situated in said borough.

Statement of receipts and expenditures to be published prior to annual elections.

2. *And be it enacted*, That it shall be the duty of the mayor and council of said boroughs ten days prior to the annual election to prepare and publish in a newspaper, issued in or near to such borough, and by a copy posted in a public place at the town hall, a statement of the receipts and expenditures for borough purposes within the past year, and a proposal of the sum of money which they shall deem it necessary to raise by taxation for the ensuing year, and the principal objects for which it shall be expended.

Authorized to lay culverts or drains.

3. *And be it enacted*, That it shall be lawful for the mayor and council of any such borough to lay suitable culverts or drains for the waste water and sewage under the roads and streets or alleys therein, or, if necessary, through private grounds within the limits of their corporate area, and to

Cost of, how paid.

pay for the cost of such drains or culverts out of the fund

Proviso.

raised for general purposes by taxation; *provided*, that where culverts are laid through private property any damage done to the owners thereby shall be compensated out

of the borough funds; said damages to be ascertained, where the borough council and owners cannot agree, by three arbitrators, of whom the mayor and council shall choose one, and the land-owner shall choose another, and the two thus chosen shall name the third; the award of any two of such arbitrators to be conclusive of the sum due.

Marshals or police authorized to make arrests without warrants.

4. *And be it enacted*, That the marshals or police who may be appointed by the mayor and council of such boroughs to preserve order therein shall have power to arrest upon view and without warrant any person whom they may see committing a breach of the peace or any law or ordinance of the said borough or of the state, and to take such person before the mayor of the said borough, or in his absence before the nearest justice of the peace for a hearing; such hearing to be had within twenty-four hours of the arrest or the prisoner shall be discharged.

Repealer.

5. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall be deemed a public act and shall take effect immediately.

Approved March 29, 1887.

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## CHAPTER XLIV.

An Act to authorize the formation of companies for mutual protection against damage to glass by hail.

Purpose for which company may be formed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any number of persons not less than seven in number may associate and form an incorporated company for mutual protection against loss or damage to glass by hail, and for that purpose shall make, acknowledge and file, in the manner hereinafter mentioned, a certificate, in writing, of their organization, signed by all the corporators, expressing their intention and desire to

form a company for the purposes aforesaid, and setting forth:

I. The name of such company to be used in its dealings and business;

II. The place where the principle office of said company is located and its general business conducted;

III. The names and residences of the corporators;

IV. The period at which such company shall commence and terminate, not exceeding thirty years, which certificate shall be proved or acknowledged and recorded as required of deeds of real estate, in the office of the clerk of the county where the principle office of said company is to be located, and after being so recorded, shall be filed in the office of the secretary of state; and upon the making and filing of said certificate, such company shall be deemed and taken to be a coporation in fact and in law, with all the powers mentioned in the first section of the act entitled "An act concerning corporations."

Who are members.

2. *And be it enacted*, That the members of said company shall consist of such persons as shall from time to time be insured therein and shall have duly paid their regular membership fee and such sums by way of annual or periodical dues as shall be determined and provided in the constitution or by-laws of said company.

May adopt constitution and by-laws.

3. *And be it enacted*, That every company formed under this act shall adopt a constitution and such by-laws for the government and management of its business as its members shall deem proper; *provided*, the same shall not contravene the laws or constitution of this state or the United States.

Proviso.

Who entitled to vote for election of directors.

4. *And be it enacted*, That every member shall be entitled to one vote at an election for directors or at any meeting of the members of said company, which vote may be given in person or by proxy.

Business to be managed by board of directors.

5. *And be it enacted*, That the business of such company shall be managed by a board of not less than seven directors, one of whom, at least, shall be residents of this state, who shall hold their office for one year and until their successors shall be appointed, and who shall be chosen by the members of said company at such times as shall be provided in the by-laws.

Authorized to levy assessments to pay losses incurred, &c.

6. *And be it enacted*, That it shall be lawful for said company to require and levy assessments to pay losses incurred, in such way and manner as may be deemed neces-

sary, and any member failing to observe and pay the same, or failing to pay the annual or periodical dues as required by the general regulations of said company, shall forfeit and lose his membership and all interest in said company.

What to constitute the fund for payment of losses or damage incurred.

7. *And be it enacted*, That the membership fees, annual and periodical dues, and such assessments as shall from time to time be levied, shall, after deducting the necessary expenses of management, be the fund out of which members insured shall receive payment for loss or damage to glass incurred by hail, and such moneys shall be collected and paid, and proofs of loss shall be made under such regulations and rules as shall be provided in the constitution and by-laws of said company.

8. *And be it enacted*, That this act shall take effect immediately.

Approved March 29, 1887.

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## CHAPTER XLV.

An Act to regulate and license pawnbrokers.

No person or corporations to carry on business of pawnbroker without license.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person, corporation, member of copartnership or firm shall hereafter carry on the business of pawnbroker in any city of this state, without first having obtained from the mayor thereof a license authorizing such person, corporation, member of copartnership or firm to carry on the same, which license shall designate the house in which such business is to be conducted.

Amount of license fee.

2. *And be it enacted*, That any person, corporation, member of copartnership or firm receiving such license shall pay to the city therefor such sum as shall be fixed by the common council, board of aldermen or other governing body of the city, not to exceed the sum of one hundred and fifty

dollars; every such license shall expire one year from the date of its issuance, and may be renewed upon payment of the license fee and compliance with the other conditions of this act.

Perpon or corporation applying for license, to file bond.

3. *And be it enacted*, That every person or corporation applying for a license under this act, shall, at the time of the making of the application, file with the clerk of the city a bond to the city by its corporate name, executed by the person or corporation applying for the license and two responsible persons as sureties, in the penal sum of two thousand dollars, conditioned for the faithful performance of the duties and obligations pertaining to the business so licensed and for a faithful compliance with the provisions of this act, which bond shall be approved by the common council, board of aldermen, board of finance, or other body charged by law with the approval of bonds of constables, justices of the peace and city officers, before said license shall be issued; and the mayor shall have full power and authority to suspend or revoke any such license for cause.

Bond to be approved.

Action may be maintained against sureties upon bonds.

4. *And be it enacted*, That if any person shall be aggrieved by the misconduct of any such licensed pawnbroker, and shall recover a judgment against him therefor, such person may, after the return unsatisfied, either in whole or in part, of any execution issued upon said judgment, maintain an action in his own name against the sureties upon the bond of said pawnbroker in any court having jurisdiction of the amount claimed; *provided*, such court shall, upon application made for such purpose, have granted leave to prosecute.

Proviso.

Licensed pawn-brokers to keep account and discription of goods, &c., and amount loaned thereon, &c.

5. *And be it enacted*, That every such licensed pawnbroker shall keep a book, in which shall be fairly written, at the time of making a loan, an account and description of the goods, articles or things pledged or pawned, the amount of money loaned thereon, the time of the pledging or pawning of the same, the rate of interest to be paid upon such loan, and the name and residence of the person pledging or pawning the said goods, articles or things; such pawnbroker shall, at the time of making any loan, deliver to the person pawning or pledging any goods, articles or things, a memorandum, note or ticket signed by him, containing the substance of the entry required by this section to be made in the book of the pawnbroker, and no charge shall be

made or compensation received by any pawnbroker for any such entry, memorandum, note or ticket.

Books to be open to inspection to certain officers.

6. *And be it enacted*, That the said books shall at all reasonable times be open to the inspection of the mayor of the city, chief of police, captains of police and police justices of the city and prosecutor of the pleas of the county, or any or either of them, and to any person who may be duly authorized, in writing, for that purpose by any or either of them.

Pawnbrokers not to receive any goods, &c., from minors.

7. *And be it enacted*, That no pawnbroker shall receive by way of pledge or pawn, any goods, articles or things from any minor, unless said minor shall present a written order or consent from the parent or guardian of such minor, or if the minor be an apprentice, then from his master, which order or consent shall be kept upon a file by the pawnbroker and a note thereof made in his book, and such order or consent shall be subject to the same inspection as the books of the pawnbroker are.

Articles, &c., not to be received on Sunday.

8. *And be it enacted*, That no pawnbroker shall receive by way of pledge or pawn any goods, articles or things whatsoever upon the first day of the week, commonly called Sunday.

Rate of interest.

Rate to be endorsed upon ticket.

9. *And be it enacted*, That no pawnbroker shall ask, demand or receive any greater rate of interest than two per cent. a month or fraction of a month upon any loan, which rate of interest shall be endorsed upon the note, memorandum or ticket prescribed in this act; nor shall any pawnbroker ask, demand or receive any fee or reward for a loan other than the interest allowed by this act, nor make any charge for storage, insurance or protecting any goods, articles or things pawned or pledged.

No pledge or pawn to be sold under one year.

Sales to be at public auction.

10. *And be it enacted*, That no pawnbroker shall sell any pledge or pawn until the same shall have remained one year in his possession, and all such sales shall be at public auction by a licensed auctioneer, and in some public auction or sales-room in said city, and shall not be at the place of business of any pawnbroker.

Notice of sale to be published.

11. *And be it enacted*, That notice of every such sale shall be published for at least five days previous thereto in at least two daily newspapers printed in said city, or if there are not two daily newspapers printed in said city, then in two daily newspapers published nearest thereto and having

the largest circulation therein, which notice shall specify the time and place of sale and a description of the goods, articles or things to be sold, and at such sale there shall not be sold or offered for sale any goods, articles or things whatsoever except such as have been received by the said pawnbroker by way of pawn or pledge at his place of business.

Pawnbrokers not to purchase articles, &c., except at public sale.

12. *And be it enacted*, That no pawnbroker shall purchase any goods, articles or things whatever offered to him as a pawn or pledge, except at the public sale thereof.

Penalty for violation of acts.

13. *And be it enacted*, That any person or persons, corporation or corporations who shall violate the provisions of the first section of this act shall forfeit and pay to the city a fine or penalty of one hundred dollars for each and every day of the continuance of said violation, and any person or persons, corporation or corporations who shall violate either or any of the other sections and provisions of this act shall forfeit and pay to the city a fine of fifty dollars.

14. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act be and are hereby repealed.

Approved March 29, 1887.

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## CHAPTER XLVI.

A Further Supplement to an act entitled "An act to encourage the establishment of mutual loan, homestead and building associations" [Revision], approved April ninth, one thousand eight hundred and seventy-five.

Associations may issue stock in different series.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any association which now is or hereafter may become incorporated under the provisions of the act to which this is a further supplement, may issue shares of stock in different series to mature and terminate in such manner as may be designated in and by the constitution or by-laws of such association or any amendment lawfully made thereto.

2. *And be it enacted*, That all shares of stock heretofore issued in different series by any such association according to the provisions of its constitution or by-laws, shall be as valid and effectual to all intents and purposes as if this act had been in force prior to the issuing of such shares. Stock heretofore issued validated.

3. *And be it enacted*, That whenever the constitution or by-laws of any such association makes no provision for the manner in which the same may be amended, such association may amend its constitution or by-laws at any regular meeting of the association by a vote of two-thirds of its members present at such meeting; *provided*, that the proposed amendment shall have been submitted in writing and entered upon the minutes of said association at least four weeks before a vote shall be taken thereon. Constitution and by-laws how amended. Proviso.

4. *And be it enacted*, That all acts and parts of acts inconsistent with any of the provisions of this act be and the same are hereby repealed. Repealer.

5. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Approved March 29, 1887.

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## CHAPTER XLVII.

An Amendment to "An act concerning wills," approved April fifteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section twenty-two of the act entitled "An act concerning wills," approved April fifteenth, one thousand eight hundred and forty-six, and being section numbered twenty under the title "wills" in the revision of New Jersey, be and the same is hereby amended so as to read as follows: Section amended.

22. *And be it enacted*, That whenever any estate of any kind shall or may be devised or bequeathed by the testament and last will of any testator or testatrix, to any person When devise or bequest not to lapse.

being a child or other descendant of such testator or testatrix, or being a brother or sister or any descendant of a brother or sister of such testator or testatrix, and such devisee or legatee shall, during the life of such testator or testatrix, die testate or intestate, leaving a child or children, or one or more descendants of a child or children who shall survive such testator or testatrix, in that case such devise or legacy to such person so situated as above mentioned, and dying in the lifetime of the testator or testatrix shall not lapse, but the estate so devised or bequeathed shall vest in such child or children, descendant or descendants of such legatee or devisee, in the same manner as if such legatee or devisee had survived the testator or testatrix and had died intestate; but this provision shall not apply where the testator or testatrix shall, by the will or codicil thereto, or other instrument, have otherwise directed in regard to the children or descendants of the said devisee or legatee dying as aforesaid.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 29, 1887.

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## CHAPTER XLVIII.

A Supplement to an act entitled "An act relating to the consolidation of railroads," approved March seventh, one thousand eight hundred and seventy-eight.

Railroads consolidated may increase capital stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the corporation into or with which one or more railroad corporations have been merged or consolidated, with the consent of the stockholders owning or controlling two-thirds in value of the capital stock of such corporation, to increase its capital stock to such an amount as shall be deemed ex-

pedient or necessary by the directors of such company for the uses and purposes of such company.

2. *And be it enacted*, That this act shall take effect immediately, and all acts or parts of acts inconsistent herewith are hereby repealed.

Approved March 29, 1887.

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## CHAPTER XLIX.

An Act to extend the time for completing certain railroads incorporated under an act entitled "An act to authorize the formation of railroad corporations and regulate the same," approved April second, one thousand eight hundred and seventy-three.

Time for construction of railroads extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the time limited for the completion of any railroad authorized to be constructed under the act referred to in the title of this act shall expire during the year one thousand eight hundred and eighty-seven, such time shall be and the same is hereby extended for a further period of two years; *provided, however*, that this act shall not apply unless money has actually been expended in surveys or location of route, or in acquisition of right of way, or in construction; *and provided, further*, that this act shall not apply to any corporation unless such corporation shall first, and as a condition precedent to the exercise of any power granted by this act, file in the office of the secretary of state an agreement, to be approved by the governor and attorney-general, waiving all rights of exemption from taxation and from privileges and advantages arising from any law or contract (if any there be) establishing any special mode of taxation of any such corporation, and the further agreement to be bound by any general law of this state now in existence, or that may hereafter be passed, taxing such corporations as are now authorized to be taxed by the legislature of the state under any

Proviso.

Proviso.

general law, and further agreeing that the exercise of any power granted by this act shall not, in any way, affect the rights of the state (if any there exist) to take the property of such corporation under any existing law of the state, and agreeing further that all laws affecting such corporations shall be subject to alteration or repeal by the legislature.

2. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 29, 1887.

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## CHAPTER LI.

A Supplement to an act entitled "An act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water-rates or water-rents in cities of this state, and imposing and levying a tax assessment and lien in lieu and instead of such arrearages, and to enforce the payment thereof, and to provide for the sale of lands subjected to further taxation and assessment," passed March thirtieth, one thousand eight hundred and eighty-six.

Expenses incurred may be paid out of any fund.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council or other governing body of any city in this state may pay the expenses incurred in the carrying out of the provisions of the act to which this act is a supplement, out of any fund of such city under the control of such common council or other governing body, not otherwise appropriated by law.

Commissioners to divide and apportion assessments, &c., upon lots.

2. *And be it enacted*, That if in any case specific liens either for taxes, assessments, or water-rates have been imposed or assessed upon an entire lot or tract and other liens upon parts or portions of such lot or tract, the commissioners of adjustment appointed under the provisions of the act to which this act is a supplement, shall equitably divide and

apportion the assessment made by them in lieu of such specific lien or liens upon the several parts or subdivisions of such lot or tract, to the end that each part or subdivision of such lot or tract may bear its just proportion of such specific lien or liens, and the amount so divided and apportioned upon the parts or subdivisions of such lot or tract shall be a lien upon such parts or subdivisions; and all such apportionments heretofore made shall be deemed lawful and binding.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 29, 1887.

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## CHAPTER LII.

An Act to amend an act entitled "An act to regulate the issuing of bonds by municipal corporations," approved March twenty-sixth, one thousand eight hundred and eighty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of an act entitled "An act to regulate the issuing of bonds by municipal corporations," approved March twenty-sixth, one thousand eight hundred and eighty-six, be and the same is hereby amended so that it shall be and shall read as follows:

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any municipal corporation in this state to issue any bonds whereby the indebtedness of any such municipal corporation shall be increased, so long as any such municipal corporation shall remain in default in the payment of any past due bonds or the interest thereon, or shall remain in arrears for six months in the payment of any county or state tax, or other legal indebtedness; *provided*, that this act shall not be construed to prohibit or interfere with the issue of bonds or other obligations in anticipation of taxes; *provided, also*,

Unlawful to issue bonds when default is made in payment of past due bonds.

Proviso.

Proviso.

that nothing in this act shall prohibit the issuing of bonds of any municipal corporation for the introduction of water and laying of water-pipes, to be connected when so laid with water mains owned by municipal corporations or aqueduct boards.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act take effect immediately.

Approved March 29, 1887.

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## CHAPTER LIII.

An Act to prevent the transportation of dynamite and other explosives on the ponds and lakes of this state.

Unlawful to transport dynamite, &c., on ponds and lakes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful after the passage of this act to transport or carry in any boat or boats in or upon any of the ponds or lakes of this state, or those lying partly in this state, any dynamite, blasting powder, dualin, forcite, giant powder, nitro-glycerine, or any powder or explosive of which nitro-glycerine is an essential ingredient or forms a component part, in a greater quantity than fifty pounds; and every person or persons or corporation offending against the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be liable to a fine not exceeding one thousand dollars;

Proviso.

*provided, however*, that nothing in this act shall apply to the carrying or transporting of any of the explosives above mentioned on any lake or pond near which the same is intended to be used for excavating or blasting purposes on or near the shores of any pond or lake in this state, or those lying partly within the borders of this state.

2. *And be it enacted*, That this act shall be a public act and shall take effect immediately.

Approved March 29, 1887.

## CHAPTER LIV.

A Further Supplement to an act entitled "An act to regulate elections" [Revision], approved April eighteenth, one thousand eight hundred and seventy-six.

Compensation of boards of elections.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever it shall so happen in any city, township, borough or other municipality in this state, that the charter or municipal election of such city, township, borough or other municipality falls and shall be held upon the day now fixed for the holding of the general election for members of the general assembly, or the election for members of the board of chosen freeholders, that in every such case the clerks of election and each member of the boards of election in such city, township, borough or other municipality shall be entitled to demand and receive for their services the sum of four dollars per day and no more for each day's service, one-half of which shall be paid by the city, township, borough or other municipality wherein said election shall have taken place, and the other half to be paid by the collector of the county in which said election shall have taken place.

Compensation, by whom paid.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 29, 1887.

## CHAPTER LV.

A Further Supplement to an act entitled "An act for the punishment of crimes," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Performance of acts, exempted from punishment by certain law, shall render persons performing amenable and subject to "Act to prevent gaming," &c

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the performance of any act exempted from punishment under and by virtue or by the operation and effect of chapter one hundred and forty-seven of the public laws of this state of the session of one thousand eight hundred and eighty, entitled "Supplement to an act entitled 'An act for the punishment of crimes'" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, shall render all persons performing such acts amenable and subject to all the provisions of the act entitled "An act to prevent gaming," approved March twenty-seventh, one thousand eight hundred and seventy-four, so far and to the extent only that the acts of such person shall be deemed unlawful in any civil suit, but not in any other proceeding or for any other purpose whatever.

Repealer.

2. *And be it enacted*, That all laws and parts of laws, both statutory and common, inconsistent with this statute, are hereby repealed, and that this act shall take effect immediately.

Passed March 30, 1887.

## CHAPTER LVI.

A Supplement to an act entitled "An act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six.

Office of ward clerk abolished.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where the wards in any of the cities of this state have been, or shall hereafter be, divided into two or more election districts, that in every such ward the office of ward clerk shall be and the same hereby is abolished.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 30, 1887.

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## CHAPTER LVII.

An Act to punish false pretences in obtaining registration of cattle and other animals, and to punish giving false pedigrees.

Penalty for obtaining false registration, &c., of animals.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person or persons shall, by any false statement or pretence as to the pedigree or breeding of any domestic animal, obtain registration or transfer of registration of any animal in the herd register or other register of any club, association, society or company for improving the breed of cattle, horses, sheep, swine or other domestic animals the person or persons so offending shall be adjudged guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding

one thousand dollars or imprisonment at hard labor for any term not exceeding one year, or both, at the discretion of the court.

Penalty for giving a false pedigree.

2. *And be it enacted*, That any person or persons who shall knowingly or designedly give a false pedigree of any animal shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars or imprisonment at hard labor not exceeding one year, or both, at the discretion of the court.

Where prosecution may be had.

[3. *And be it enacted*, That where by any false pretence a certificate of registration or transfer has been obtained the crime shall be deemed completed, and may be prosecuted either in the county in which such certificate of registration or transfer has been obtained or in the county where such false pretence has been made.]

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 30, 1887.

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## CHAPTER LVIII.

An Act to facilitate the business of mutual fire insurance companies.

Companies may elect a vice-president, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for all mutual fire insurance companies, organized under the laws of this state, to choose from their board of directors, at the time of their annual election, in the same manner as the president is elected, one vice-president, who shall be authorized and empowered, in case of the death or disability of the president of any such company, to sign policies and perform all other acts which devolve upon the office of president, during the continuance of such disability, or until the election of a new president by such company, or as provided by the by-laws of such company.

2. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Approved March 30, 1887.

## CHAPTER LIX.

A Supplement to the act for the laying out, altering or vacating of roads.

Lawful to lay out, alter or vacate parts or pieces of roads, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter when proceedings are taken for the laying out, altering or vacating of any public or private road in this state, and such road shall consist of several parts or pieces which, although not directly connecting one with another, shall yet have the same general direction, or a general bearing, or relation to each other, or where such road shall consist of several parts or branches which do connect, it shall be lawful to lay out, alter or vacate such several parts or pieces, or branches, in one and the same set of papers or proceedings.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 30, 1887.

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## CHAPTER LX.

A Supplement to an act entitled "An act respecting the court of chancery" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-five.

Services of stenographer, by whom and how paid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, the stenographer employed to report the proceedings in causes before any advisory master shall be paid for his services the same and no more, as the respective stenographers employed in the circuit courts of this state, and that the sum due to such stenographer shall be paid on the

certificate of the advisory master approved by the chancellor, by the state treasurer, out of the fees received by him from the court of chancery.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 30, 1887.

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## CHAPTER LXI.

A Supplement to an act entitled "An act concerning bridges and turnpikes," approved March twelfth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any turnpike or other public road, or any part thereof, shall have been purchased or acquired for public use the same, or the part thereof lying in any township, shall, if so directed by the board of chosen freeholders of the county wherein such road lies, be graded, regulated, worked, repaired, maintained and kept up at the expense of the township in which it lies, and not at the expense of the county; and if deemed proper by the inhabitants of any township, the same, or any part thereof, may be macadamized at the expense of said township, such grading, regulating, working, repairing, maintaining, keeping up, and macadamizing shall be done by such person or persons as may be employed by the town committee of the township (or road board, if there be a road board), in such manner as said town committee or road board shall direct; the amount of money necessary to defray the expenses aforesaid shall be determined by the legal voters of said township authorized to vote money for road purposes, and shall be raised by taxation, in the same manner as other amounts authorized by law to be raised for road purposes are determined and raised.

Turnpikes or public roads purchased or acquired to be graded, worked, maintained, &c., at expense of townships.

Amount of money to be determined by legal voters.

2. *And be it enacted*, That if such road, or any portion thereof, forms the division line between two or more townships, specific portions thereof shall be allowed to each of such townships, to be graded, regulated, worked, repaired,

When road forms division line, how and by whom graded and worked.

maintained, kept up, and if deemed proper as aforesaid, macadamized, at the expense of the township to which such part is allotted; and the inhabitants of any township shall not be held responsible for not grading, regulating, working, repairing or keeping up any portion of said road allotted to or assigned to another township, but shall be responsible therefor as to any portion of said road allotted to such township.

Amount necessary to be expended to be specifically voted for and appropriated.

3. *And be it enacted*, That at any town meeting at which it may be lawful to vote, grant or raise money for making, repairing or working roads, or for other road purposes, the amount of money necessary to be expended by such township on any road so purchased or acquired, shall be specifically voted and appropriated.

Amount expended, how assessed and collected.

4. *And be it enacted*, That the amount to be expended on any such road, by any township, shall be assessed and collected by the assessor and collector, or other proper officer or officers of said township, in the manner and at the time prescribed by law for the assessment and collection of other township taxes.

Act how applied.

5. *And be it enacted*, That this act shall not apply to, or be in force, in any county having a county public road board.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 30, 1887.

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## CHAPTER LXII.

An Act to enable cities to elect an assessor for three years.

Term of office of assessor.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter, in any city in this state where the election of one assessor only is provided for by the charter of such city, or any amendment or supplement thereto, it shall and may be lawful for the common council or other governing body of such city to fix from

time to time the term of the office of assessor in such city by resolution not exceeding three years, and thereafter the assessor of such city shall be elected at the regular charter election in such city for said term as so fixed; *provided*, that when said term has been so fixed, the resolution shall not be changed or repealed so as to affect the term of any then incumbent of said office.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 31, 1887.

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## CHAPTER LXIII.

An Act to confer the authority of changing the name of a town or village upon the court of common pleas.

Towns and villages may change name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever it may be desirable to change the name of any town or village in any county in this state, a petition for that purpose may be filed in the court of common pleas for such county, signed by at least twelve landholders within the limits of said town or village, setting forth the cause why such change is desirable, and the name desired to be substituted, and the court, upon being satisfied by proof that the prayer of the petition is just and reasonable, and that thirty days' previous notice of the intended application to the court had been duly given in some newspaper of general circulation in such county; and that the inhabitants of such town or village, or a majority thereof, desire such change; and that there is no other town or village in this state with the same name with that which is asked for, the court may order a change of the name of such town or village as desired in said petition.

County clerk to record proceedings.

2. *And be it enacted*, That it shall be the duty of the clerk of the county to record the proceedings under this act, and

all such proceedings shall be at the cost of the petitioners at such sum as the court may direct.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 31, 1887.

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## CHAPTER LXV.

A Supplement to an act entitled "An act regulating proceedings in criminal cases" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Prosecutors of the pleas may appoint special officers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the prosecutors of the pleas in the several counties having a population according to the last census of over eighty thousand inhabitants may appoint suitable persons, not exceeding two in any county, to act as special officers for the detection, arrest, indictment and conviction of offenders against the law; such persons so appointed shall possess all the powers and rights, and be subject to all the obligations of constables and police officers in any county of this state, and before such person shall enter upon his duties as said officer his appointment shall be approved by a majority of all the judges of the court of general quarter sessions of the peace of said county, and said person so appointed shall receive a per diem allowance and compensation not exceeding four dollars per day, to be fixed by a majority of said judges at the date of such approval; *provided*, that said per diem allowance and compensation shall be paid only for the time such officer shall be actually employed, which time shall be certified to the county collector by the said prosecutor.

Appointment to be approved by judges of court.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 31, 1887.

## CHAPTER LXVI.

An Act in relation to the serving of all process issuing out of courts having the power to try violations of ordinances in any city of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any and all police and recorders' courts in any city of this state, the chief of police and the officers of the police force in any such city, shall be and they are hereby authorized to serve all process issuing out of said courts, whether said chief of police or police officers have been or shall be appointed by the common council or other governing body of such city, or by a board of police commissioners.

2. *And be it enacted*, That for any and all violations of ordinances in any city, the chief of police and members of the police force therein shall be authorized to serve process on any defendant, whether such defendant resides in such city or in any other place in the county in which such city is located.

3. *And be it enacted*, That all acts or parts of acts, whether special or general, inconsistent with either of the provisions of this act be and the same are hereby repealed.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 31, 1887.

## CHAPTER LXVII.

An Act to fix the salaries of certain officers of the senate and general assembly during the regular legislative session of the year one thousand eight hundred and eighty-seven.

Compensation of certain officers of the Senate and General Assembly.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be allowed and paid to the following officers of the house of assembly, for services rendered during the regular legislative session of the year one thousand eight hundred and eighty-seven, a compensation, in lieu of all other compensation now allowed by law, as follows: to each of the two assistant sergeants-at-arms five hundred dollars, and to each doorkeeper appointed by authority of the said general assembly three hundred and fifty dollars; and the two assistant gallery keepers three hundred and fifty dollars; to the document clerk four hundred dollars; to the bill clerk four hundred dollars; assistant bill clerk three hundred dollars; and to the assistant journal clerk five hundred dollars; and to the assistant in the clerk's office on the journal three hundred and fifty dollars; and in no case shall any additional compensation be allowed or paid to any of the said officers.

Compensation of certain officers.

2. *And be it enacted*, That there shall be allowed and paid to the assistant journal clerk of the senate the sum of four hundred dollars; and to the bill clerk of the senate four hundred dollars.

Repealer.

3. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and this act shall take effect immediately.

Passed March 31, 1887.

## CHAPTER LXVIII.

An Act to establish in this state, boards of health and a bureau of vital statistics and to define their respective powers and duties.

### I. State Board of Health and Bureau of Vital Statistics.

State board of health how constituted and appointed.

1. Be it enacted *by the Senate and General Assembly of the State of New Jersey*, That there shall be in this state a state board of health to be known as "The board of health of the State of New Jersey," which shall be composed of the secretary of state, the attorney-general and the state geologist, as ex-officio members, and seven persons to be appointed from time to time as hereinafter directed, by the governor; each of the appointed members shall hold office for the term of seven years, and their respective terms of office shall be so arranged that the term of office of not more than one member shall expire in any one year; if the office of any appointed member shall for any cause become vacant before the expiration of the term for which such member was appointed, the same shall be filled by the governor for the unexpired term only; *provided*, however, that whereas a state board of health has heretofore been created in this state and is now in fact constituted and organized in the manner hereinbefore prescribed, the members of said board heretofore created shall constitute and shall henceforth be deemed and taken to be "The board of health of the State of New Jersey," established by this act, that the appointed members of the said board heretofore created shall respectively continue to hold office as members of the board established under this act until the expiration of the terms for which they were originally appointed, and that the secretary and all other officers of said board heretofore created, shall continue to hold their respective offices under this act for the terms for which they were originally appointed or elected.

Proviso.

2. *And be it enacted*, That the said state board shall take cognizance of all matters affecting health and life among the citizens of this state, shall make sanitary investigations and inquiries in respect of the people, the causes of diseases and especially of epidemics and the sources of mortality, and the effects of localities, employments, conditions and circumstances on the public health; they shall also make investigations and inquiries into the sanitary condition of any state, county, city or township almshouse, asylum, prison, penitentiary, jail, reform school, school house or other public building, and of tenements, manufactories and workshops; the said state board shall also constitute a state bureau of vital statistics who shall, as such board, cause to be made such tabular classification, and such index and transcription of the vital facts shown by the certificates of marriages, births and deaths now by law returned to the secretary of state, as may be useful to the said board or to the officers thereof in preparing for diffusion among the people of the state such facts as may bear upon public health; the said board shall fix and determine the amounts to be paid for the classification, index and transcription above required, which amounts shall not exceed the sum of four cents for each certificate returned to the secretary of state, and shall be paid out of the annual appropriations made to said state board as hereinafter provided.

Powers and duties of the board.

3. *And be it enacted*, That the said state board shall appoint a president who shall call meetings as often as once in three months and also whenever in his judgment it shall be necessary, and whenever requested so to do by three members of the board; they shall also elect a secretary to serve for a term of five years, who shall be a physician of at least five years' practice in this state, who shall also be medical superintendent of vital statistics, and who shall superintend the performance of the duties prescribed by law in relation to the state board of health aud the classification, index and transcription of vital facts hereinbefore required to be made; the compensation of the said secretary shall be the sum of twenty-five hundred dollars per annum for the services required of him under the provisions of this act as such secretary and medical superintendent, which sum the treasurer of this state is hereby authorized to pay from any money in the treasury not otherwise ap-

Board to elect officers.

Duties and compensation of secretary.

propriated upon a warrant drawn by the said state board of health signed by its president and attested by its secretary;

State board to make annual report to the governor.

the said state board of health shall also in the month of December of each year make a report to the governor of their investigations and inquiries for the year, with such communications and suggestions concerning the public health as they may deem proper.

Authorized to make sanitary inspections of chattels and persons in transportation, and of cars, boats, vehicles, &c.

4. *And be it enacted*, That the state board of health shall have a right to cause a sanitary inspection to be made of all chattels and persons in transportation through the state, and of the cars, boats and other vehicles in which such chattels or persons may be transported, and the said board shall have the same right of inspection, procedure and control in this respect as is or may be conferred by law upon the local board of health or local authorities in any township or city, or other local municipal government in this state, and when in the judgment of the said board it may be necessary, the said board may require or cause an examination of vessels, cars, boats or other vehicles and of all baggage and persons, to be made, and may enforce such detention or disinfection as they may deem necessary for the public safety.

Board may appoint inspectors and to assign duties.

5. *And be it enacted*, That the said state board may appoint inspectors and assign them to such duties as the interests of the public health in any part of the state may require, and to aid in the execution of the laws relating thereto; and they may require the said inspectors to investigate the local epidemics, nuisances, needs for drainage, neglect of sanitary law, the condition of school-houses, tenements, manufactories and workshops, of public buildings belonging to the state, or to any county or city therein, and of the persons confined or employed therein; and the state board, its agents and appointees shall have the same right of inspection in regard to all matters affecting the public health as has been or may be conferred upon local boards of health; the inspectors appointed by the state board of health shall be paid by the board out of the moneys appropriated therefor such sum as may be fixed and determined by the board.

Physicians making official reports entitled to copy of annual report.

6. *And be it enacted*, That every physician in this state making official reports to the state board of health through the bureau of vital statistics shall be entitled to receive by mail, from the treasurer of the state, a copy of the annual

report of the state board of health and of the bureau of vital statistics.

Annual appropriation to the state board.

7. *And be it enacted*, That the annual appropriation of the state board of health, for the purpose of making sanitary investigations and inquiries in respect to the people, the causes of disease, epidemics and the sources of sickness and mortality, the effect of locality, employments, conditions and circumstances on the public health, and for the purpose of making inquiry and investigation into the sanitary condition of any state, county, city or township almshouse, asylum, prison, penitentiary, jail or reform school, and for such other expenses as the said board are by this act authorized to incur, shall be the sum of six thousand dollars, in addition to such appropriations as are authorized by law to be made for the purpose of preventing contagious and infectious disease among animals and the adulteration of foods and drugs; all moneys appropriated for the use of said board shall be paid by the treasurer of the state on the order of the comptroller upon requisition made by the board, signed by the president and secretary thereof and approved by the governor.

Amount.

Additional appropriation in cases of emergency, by whom and how made.

8. *And be it enacted*, That in case any emergency of epidemic or of peril to the public health shall, in the judgment of the state board of health, require the expenditure of a larger amount of money than is herein appropriated, the facts that warrant such expenditure, in the judgment of the board, shall be presented by it to the governor, comptroller and treasurer of the state, and if, in their judgment, additional expenditure is needed to enable the state board of health to meet such emergency, they are hereby authorized to add to the appropriation made, by virtue of the authority hereby given, such sum as in their judgment may be necessary therefor.

## II. Local Boards of Health.

Local boards of health, how appointed and constituted.

9. *And be it enacted*, That there shall be a local board of health in every city, borough, town and other local municipal government, in this state, which shall be composed of not less than five nor more than seven members, who shall be appointed in such manner and hold their respective offices for such terms, not exceeding four years, as the board of aldermen, common council or other governing body may

Proviso.

by ordinance provide; *provided*, however, that in cities containing a population of over one hundred thousand inhabitants such boards may consist of not less than five nor more than nine members; the terms of office of the members of said local boards shall be so arranged that the terms of not more than three members shall expire in any one year; if any vacancy shall occur in any of said local boards, it shall be filled in the same manner in which the original appointments were made, but for the unexpired term only.

Who to constitute the local boards of health.

10. *And be it enacted*, That there shall be a local board of health in every township of this state, which shall be composed of the members of the township committee, the township assessor and one physician to be appointed by the township committee; such physician shall hold office for the term of three years from the time of his appointment and until his successor shall be appointed; if any township committee shall not appoint a physician as aforesaid on or before the first day of June, eighteen hundred and eighty-seven, or if they shall neglect or fail to make such appointment within ten days after the death, removal or resignation of any physician, or after the expiration of his term of three years aforesaid, it shall be lawful, in any of said cases, for the state board of health, at any time after the expiration of either of the periods above limited for appointment by the township committee, and before the township committee shall have made an appointment, to appoint a physician as a member of said local board of health who shall hold his office for the term of three years from the time of his appointment by said state board and until his successor shall be appointed; if, however, in any township, no physician shall be appointed, as hereinabove required, either by the township committee or by the state board of health, then and in such case the members of the township committee and the assessor shall constitute the local board of health of such township, and shall continue to constitute such board, until such appointment as aforesaid shall be made; in case of the death, removal or resignation of any assessor before the time of electing his successor, the township clerk shall succeed such assessor as a member of such local board, and shall continue as such member until an assessor shall be duly elected or appointed, and such township clerk shall take charge of and make all returns of

Failure of town committee to appoint physician state board to make the appointment.

Who to constitute the local boards on failure to appoint.

marriages, births and deaths as required by law of assessors; in any township within whose limits a city, borough, town or other form of local municipal government now exists, or hereafter shall exist, the jurisdiction of the local board of the township shall extend only to such parts of the township as are, or shall be, outside of the territorial limits of such city, borough, town or other local municipal government, but in every other case the jurisdiction of the township board shall be co-extensive with the limits of the township.

Local boards now existing to be deemed and held to be the local boards.

11. *And be it enacted*, That every local board of health now existing in any city, borough, town or other local municipal government in this state, which is, in fact, constituted and organized in the manner required by the ninth section of this act, and every local board of health now existing in any township which is in fact constituted and organized in the manner required by the tenth section of this act, shall be deemed, held and taken to be a local board of health, created under the provisions of this act, and every such board is hereby perpetuated and continued, and is hereby authorized, without re-organization to exercise all the powers and required to perform all the duties applicable to local boards mentioned in this act; the members of every such board shall continue in office until the expiration of the terms for which they were originally appointed; every ordinance which has heretofore been passed by any common council, or other governing municipal body, creating, establishing or organizing, or providing for the creation, establishment or organization of any such local board of health as aforesaid, shall be deemed, held and taken to be of the same force and validity as if it had been passed under the provisions and authority of this act; and all ordinances, rules and regulations heretofore adopted or passed by any such local board of health as aforesaid, which might be adopted or passed under the authority of this act, shall continue to be the ordinances, rules and regulations of such local board, and shall be of the same force and validity as if they had been actually adopted or passed under the provisions and authority of this act.

Authorized to exercise all the powers under this act.

Ordinances heretofore passed validated, &c.

Power of local boards to pass ordinances, make rules, regulations, &c.

12. *And be it enacted*, That the said local boards of health shall have power to pass, alter or amend ordinances, and make rules and regulations in regard to the public health

within their several jurisdictions, for the following purposes, but such ordinance shall have three readings before its final passage, and at least one week shall intervene between the second and third readings of said ordinance and a notice stating the title of said ordinance and the date when it passed its second reading, shall be published at least one week prior to its final passage in at least one newspaper published in the township, city, town, borough, or other local municipal government, if any newspaper is published therein, and if there be no newspaper published therein, then in some newspaper of the county circulating in such township, city, town, borough, or other local municipal government:

I. To aid in the enforcement of the law as to the adulteration of all kinds of food and drink, and to prevent the sale or exposure for sale of any kind of meat or vegetable that is unwholesome or unfit for food;

II. To define and declare what shall constitute nuisances in lots, streets, docks, wharves, vessels and piers and all public or private places;

III. To prevent the spreading of dangerous epidemics or contagious diseases, and to declare that the same has become epidemic, and to maintain and enforce proper and sufficient quarantine whenever deemed necessary;

IV. To regulate, control and prohibit the keeping or slaughtering of all kinds of animals;

V. To regulate, control and prohibit the accumulation of offal and all decaying or vegetable substances;

VI. To prohibit and remove any offensive matter or abate any nuisance in any public highway, road, street, avenue, alley or other place, public or private, and to cause the removal of the same at the expense of the owner;

VII. To compel the return of all births, deaths and marriages by physicians, midwives, nurses, clergymen, magistrates and other persons professionally officiating at such death, birth or marriage;

VIII. To secure the sanitary condition of tenement houses, jails, prisons and all public buildings;

IX. To regulate, control or prohibit the cleaning of sewers, the dumping of garbage, the filling of sunken lots or marsh lands, and to provide for the filling up of such lots or lands;

In addition to the powers above enumerated all local boards of health except township boards shall have further power in like manner:

I. To regulate and control the method of construction, the location, the method and manner of emptying or cleaning, and the frequency of cleaning of cesspools and privies;

II. To regulate and control the mode of connection of house-drainage and plumbing with outside sewers, cesspools or other receptacles;

III. To protect the public water supply and prevent the pollution of any stream of water or well, the water of which is used for domestic purposes, and to order not to be used, or closed, any well, the water of which is polluted or detrimental to the public health;

IV. To remove persons infected to a suitable place, in case of contagious or infectious disease, where, in the judgment of the board, such removal is necessary and can be accomplished without undue risk to the person or persons diseased, and to disinfect the premises when deemed necessary.

V. To regulate the burial and disinterment of human bodies.

Boards authorized to examine all nuisances, causes of disease and abate the same.

13. *And be it enacted*, That said local boards shall, within their respective jurisdictions, examine into all nuisances, foul or noxious odors, gases or vapors, and all causes of disease which may be known to them or brought to their attention which, in their opinion, are injurious to the health of the inhabitants therein, and shall cause the same to be removed and abated; whenever such nuisances, noxious odors, gases or vapors or cause of ill health or disease shall be found on public property or on a highway, notice shall be officially given by the said board to the person in charge thereof officially, and such persons shall be notified to remove and abate the same; and if there be failure or neglect to comply with such notice the mode of procedure shall be the same as is hereinafter provided in case of private individuals.

Notices to owners of private property to be given.

14. *And be it enacted*, That where such nuisances, noxious gases or vapors, or cause of ill health or disease shall be found on private property, the said board shall cause notice hereof to be given to the owner or owners to remove and abate the same at his own expense, within such time as the

said board may deem proper; a duplicate of the notice so given shall be left with one or more of the tenants or occupants of the premises; if the owner resides out of the state or cannot be reached with notice speedily, notice left at the house or posted on the premises shall be deemed sufficient, and if the owner or owners thus notified shall not comply with such notification or order of the local board of health within the time specified, the board shall proceed to abate such nuisance and remove the cause of such foul and noxious odors, gases or vapors or other thing detrimental to the public health, and such board shall have a right to recover by action of debt the expenses incurred by such board in the abatement or removal, from any person or persons who shall have caused or allowed such nuisance, source of foulness, or cause of sickness, hazardous to the public health, and from any owner, tenant or occupant of the premises who, after notice as aforesaid, shall have failed to remove such nuisance, source of foulness, or cause of sickness, hazardous to the public health, within the time specified in such notice; and in case such board of health shall fail to recover by such action an amount sufficient to defray such expenses, or if it shall be deemed inexpedient to bring such suit, they may present a bill, certified by such board, or a majority thereof, to the local municipal authorities, and such bill shall be audited and paid by the city, borough, town, township or other local municipal government in and for which such board is organized in the same manner as the bills for the ordinary current expenses for such municipality are paid.

Failure of owners to abate nuisances, board to remove

Expenses, how recovered.

15. *And be it enacted*, That no injunction shall issue out of any of the courts of this state to stay, stop or enjoin proceedings, or to prevent any local board of health from proceeding with the removal of any alleged nuisance, source of foulness, or cause of sickness, hazardous to the public health, until such board has been duly notified to appear and be present at the hearing of such application, and has an opportunity to be heard thereon; and no suit shall be maintained in any of the courts of this state to recover damages against any such board, its officers or agents on proceedings had and maintained by them to abate and remove such nuisances and cause of disease, unless it shall be shown in such suit that the alleged nuisance and cause of disease did

No injunction to be issued to enjoin proceedings until board is notified.

not exist, and that the same was not hazardous and prejudicial to the public health, and unless it be shown that the said board acted without reasonable and probable cause to believe that such nuisance did exist, and that such foul or noxious odors, gases, vapors or other cause was in fact prejudicial and hazardous to the public health.

When suits to recover damages against board are not to be maintained.

16. *And be it enacted*, That in the making of ordinances any local board of health may adopt and ordain the same in the form of a code, or each ordinance may be separate and apart by itself, and in all cases said board shall cause such code, ordinance or ordinances to be published for at least two weeks, once in each week, in one or more newspapers printed and circulating in the city, township, borough, town, or other local municipal government in which such code, ordinance or ordinances shall take effect; and in case no newspaper shall be printed in such township, or in such city, borough, town or other local municipal government, then the said code or ordinances shall be posted in five public places therein and published for the said period of time in some newspaper published in the county and circulating in such township, or in such city, borough, town or other local municipal government.

Ordinances may be in form of code.

Ordinances and code to be published.

17. *And be it enacted*, That such boards of health may amend or repeal any part or section of such code or ordinances as they may see fit, such amendments to be passed and amended as aforesaid, and every code, ordinance, amendment or repealer shall take effect in thirty days after the date of the first publication.

Code or ordinance may be amended or repealed.

18. *And be it enacted*, That any such board of health may prescribe a penalty for the violation of any of their ordinances or sections of any code they make and ordain as aforesaid, not to exceed one hundred dollars and not less than ten dollars; and every district court in any city, and every justice of the peace in any county, and any police justice or recorder in any city, is hereby empowered, on oath or affirmation made according to the law that any person or persons has or may have violated any section of the code, or any of the ordinances of any such board as aforesaid, to issue process at the suit of any such board as aforesaid, either in the nature of a summons or warrant, against the person or persons so charged, which process shall, when in the nature of a warrant, be returnable forthwith, and when

Boards of health may prescribe penalty for violations of code, &c.

Proceedings in case of violations of code and ordinances.

in the nature of a summons shall be returnable in not less than one nor more than ten entire days; such process shall state what section of the code or ordinance of any such board is alleged to have been violated by the defendant or defendants; and on the return of such process, or at any time to which the trial shall have been adjourned, the said court, justice of the peace, police justice or recorder shall proceed to hear the testimony and to determine and give judgment in the matter, without the filing of any pleadings, and a copy of the ordinance or section of the code alleged to have been violated, certified to under the hand of the clerk or president of the board, and under the seal of such board, if it have a seal, shall be taken as full and legal proof of the existence of such ordinance or code, and that all requirements of law in relation to the ordaining, publishing and making of the same, so as to make the same legal and binding, have been complied with, unless the contrary be shown; and the said court, justice of the peace, police justice or recorder shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels and persons of the defendant or defendants, and said court, justice of the peace, police justice or recorder is further empowered to cause such defendant who may refuse or neglect to pay the amount of the judgment rendered against him, and all costs and charges incident thereto, unless an appeal is granted, to be committed to the county jail for any period not exceeding ninety days; and said court, justice of the peace, police justice or recorder is further empowered in case any such defendant shall have been twice convicted, within the space of six months, of the violation of the same ordinance, and due proof of the same is made, in addition to the payment of the appropriate penalty, to cause said defendant to be imprisoned in the county jail or county workhouse, with or without hard labor, for any number of days not exceeding one for each dollar of the penalty.

Jurisdiction of court.

19. *And be it enacted*, That no district court of any city, justice of the peace, police justice or recorder, shall have jurisdiction of any offenses against any code or ordinances of any board of health, which offenses shall take place outside of the territorial jurisdiction of such district court, justice of the peace, police justice or recorder, as such ter-

ritorial jurisdiction is now or may hereafter be established by law.

Officers to serve and execute process.

20. *And be it enacted*, That the officers to serve and execute any process issued out of any court under this act shall be the officers authorized by law to serve and execute process in said courts and before such magistrates and officers as aforesaid, including constables and police officers.

Local boards of health authorized to declare epidemics, &c.

21. *And be it enacted*, That the board of health of any township, or any city, borough, town or other local municipal government in this state, shall have the right to declare any epidemic or cause of ill health to be so injurious or hazardous as to make it necessary to close any or all of the public or private schools in the limits of such township, or of such city, borough, town or other local municipal government; but in case of public schools, the same shall not be closed except by the direction of the board of education, school trustees or other body having the control or direction thereof; any such board of education, school trustees or other body having control of public schools may in such case cause any or all of the schools under their control to be closed, if, in their judgment, such closing be necessary for sanitary purposes.

Public schools may be closed.

Boards of education may close public schools and prohibit the attendance of teachers and scholars.

22. *And be it enacted*, That any board of education, school trustees or other body having control of the public schools may, on account of the prevalence of any contagious disease, or to prevent the spread of such contagious disease, prohibit the attendance of any teacher or scholar upon any school under their control, and may specify the time during which such teacher or scholar shall remain away from such school, and may prohibit the attendance of any unvaccinated child who has not had the small-pox, and shall also have the power to decide how far re-vaccination shall be required if a case or cases of small-pox have occured in the city or district.

Unvaccinated children to be designated on enrollment.

23. *And be it enacted*, That at the enrollment of the children by the clerk of the school districts in the townships of this state, or by other proper officers in the cities or municipalities, inquiry shall be made as to how many of the children within the school age are unvaccinated, and the same shall be designated by a mark on the said roll, and in case any are found to be unvaccinated, whose parents desire them to be protected from small-pox, and who, in

the judgment of the board of education or the trustees of the school districts, are unable to pay therefor, the clerk of said district, or other authorized person, may give to the said child or children a permit to appear at the office of any regularly licensed physician in said district or municipality to be vaccinated, and such physician, on presentation of said permit, with his certificate appended thereto that the said vaccination has been by him successfully performed, shall be entitled to receive from the said township or local municipal authority the sum of fifty cents for each case so certified, and the same shall be paid in the same manner that other bills for current expenses are paid therein.

Children may be vaccinated at expense of township.

Powers not dependent.

24. *And be it enacted*, That the power herein given to local boards of health to abate nuisances, sources of foulness, or causes of sickness, hazardous to the public health, shall not depend upon whether such boards have exercised their power to pass, alter or amend ordinances in relation to the public health.

Boards to specify disease from which no public funeral shall be had and to prohibit same

25. *And be it enacted*, That such local boards shall have power to specify any contagious disease or diseases in case of death from which no public funeral shall be had, and to prohibit such public funeral under a penalty to be imposed, not to exceed fifty dollars, and in case of the threatening or prevalence of an epidemic, to prohibit such public funeral of persons dying with the particular disease or diseases then prevalent; and they shall also have power to prohibit such public funeral in any case in which the attending physician shall by writing so advise, or in any case in which two reputable physicians in the same district or municipality certify that they believe that the interests of the public health require such restriction.

Board may determine when physicians to notify board of contagious diseases.

26. *And be it enacted*, That any such local board may determine whether or when it is necessary for a physician or other person in attendance on the sick to notify said board of the existence of contagious or infectious diseases; where such notification is required, the local board shall enter in a book kept for that purpose, subject only to the inspection of the board and its proper officers, the name of the physician making such notification, the date of the notice, the name and precise locality of the disease, and at the close of each six months such physicians shall be entitled to receive, on the certificate of the said board, from the disburs-

ing officers of the said township or municipality the sum of twenty-five cents for each notification so given, unless such notification shall be found to have been erroneous.

How nuisance abated on failure to obey notice.

27. *And be it enacted*, That a notice of any inspector of any local board of health to abate any nuisance, or by the executive officer or other authorized member of said board, shall be taken as a notice from the board, and if the owner or person notified shall fail to abate the nuisance complained of, the said board may cause the same to be abated in a summary way, giving written directions to the inspector in relation thereto, and he shall proceed according to the directions so given.

How board may proceed to abate nuisance.

28. *And be it enacted*, That any such local board of health, instead of proceeding in a summary way to abate a nuisance hazardous to the public health, may file a bill in the court of chancery, in the name of the state, on the relation of such board of health for an injunction to prohibit the continuance of such nuisance, and such actions shall proceed in the court of chancery according to the rules and practice in such cases on the relation of individuals, and cases of emergency shall have precedence over other litigation pending at the time in the court of chancery, and may be heard on final hearing within such time and on such notice as the chancellor shall direct.

Court of chancery may abate nuisances by injunction, &c.

29. *And be it enacted*, That in all cases in which it shall be ascertained by the court of chancery in such suits that such nuisance existed at the time of filing such bill, substantially as set forth in the same, the court shall have power to abate the same by an injunction or otherwise, according to the practice of the court, and may charge the costs of such suit upon the property whereon such nuisance is found, and enforce the same by sale of the said property, or any part thereof, on writ of fieri facias, or the said court may order the person or corporation which caused such nuisance or allowed the same to continue, to pay such costs, and enforce obedience to such order.

Costs, how awarded.

30. *And be it enacted*, That in case no such nuisance shall be found to exist, costs shall not be awarded as of course against the board of health which caused such suit to be brought, but only in case it shall appear to the chancellor that no probable cause existed for bringing such suit.

Boards empowered to appoint officers and agents and to fix compensation, &c.

31. *And be it enacted*, That such local boards of health shall have power and authority to appoint such subordinate officers and agents to carry into effect the powers hereby conferred as they may deem necessary, to fix the term of such appointments and the compensation of such appointees; and in every city, town, borough or other local municipal government, containing a population of two thousand inhabitants or more, there shall be at least one inspector appointed by such board; the duties of the officers and appointees of the said board shall be prescribed and defined by rules, regulations or ordinances made for that purpose.

State board may require local boards to appoint inspectors.

32. *And be it enacted*, That where, in any township, sufficient sanitary inspection is not secured, the state board of health may, on notice to the local board, require the appointment by the local board, of a health inspector for such township, who shall be paid by the local board of the township a sum not less than fifty dollars a year for his services as inspector.

Local boards to take cognizance of neglect or failure to make returns.

33. *And be it enacted*, That such local boards of health shall take cognizance of any neglect or failure to make return on the part of any person charged with this duty under the laws of this state, and such boards are authorized to pass ordinances in relation thereto, and prescribe penalties therefor, and to enforce the same in any lawful manner.

Local boards to present to common council an estimate of appropriations needed.

34. *And be it enacted*, That the local board of health of every city, borough, town or other local municipal government, shall each year, before the budget of municipal taxes to be levied for such year shall be determined, present to the common council or other governing body of such city, borough, town or other local municipal government, an estimate of appropriations which it shall believe to be needed for health purposes, and if said estimate is not beyond a pro rata of five cents for each inhabitant as returned by the last preceding census, the same shall be allowed, and as much in addition thereto as such common council or other governing body shall approve; the appropriations so allowed shall be paid by the treasurer or other custodian of the municipal funds to the board of health, at such times after the budget of municipal taxes shall be determined, and in such sums, as the board shall require by their written order drawn upon the treasurer or other custodian of the municipal funds, signed by the president of the board and attested

Appropriations, by whom paid.

by its secretary; and all fines, fees and penalties imposed and collected under the ordinances of any such board shall also be paid to said board.

Amount to be expended annually by local boards of health.

35. *And be it enacted*, That the local board of health of each township in this state may expend annually the sum of one hundred dollars in the care of the public health, and in addition thereto fifty dollars for each one thousand of the inhabitants thereof over two thousand, as returned by the last preceding census, if in its judgment such expenditure shall be required for the purpose, and itemized bills for such expenditure, having been approved by the president and secretary of such board, shall be paid by the usual disbursing officer of the township, and if in case of any emergency or of any special need for the protection of the public health such board shall consider the expenditure of a greater sum necessary, the board shall so certify to the township committee, and with their consent and approval may incur such further expense as said committee may authorize, and if the funds at the disposal of the township committee are not sufficient to cover such expenditure, said committee is hereby authorized to borrow money for the purpose on the credit of the township, and is directed to place the amount in the next annual tax levy, and with the money so raised to pay the debts so incurred.

Township committee authorized to borrow money.

Agents, officers, &c., to be removed only for cause.

36. *And be it enacted*, That the appointees, agents and officers of the said boards, except those merely temporary, shall hold their offices during the term for which they were severally appointed, and shall not be removed therefrom except for cause and after an opportunity has been given them for a hearing.

Local boards to make annual report

37. *And be it enacted*, That the local board of health of every township, city, borough, town and other municipality, shall, on or before the first day of October in each year, in addition to other reports required, prepare an annual report of the condition of the public health within the limits of its jurisdiction, stating therein any special cause for the deterioration of health or of hazard thereto, and shall therein answer any inquiries which may have been addressed to such local board by the state board of health, and such local board shall forward a copy of such report to the state board of health on or before the fifteenth day of October in each year.

Repealer.

38. *And be it enacted*, That all acts and parts of acts which in anywise conflict with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 31, 1887.

Law 1792 p. 2 3. Law 1811. C. 56. 122.
" " 218. " " 71.
" 1890. . . .
" 1889. C. 15 C. 236. " " 39.

## CHAPTER LXIX.

An Act respecting the appointment of sergeant-at-arms in the court of common pleas, orphans' court and court of general quarter sessions of the peace.

Judges authorized to appoint sergeant-at-arms.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in each county of this state having within its territorial limits a population exceeding one hundred and fifty thousand inhabitants, the judges of the court of common pleas of said county be and they are hereby authorized to appoint a suitable person as sergeant-at-arms, to hold his office during the pleasure of said judges, whose duty it shall be to attend said courts during the several terms thereof, for which service he shall receive three dollars per day for each day he shall be in actual attendance upon said court, to be paid by the county collector of said county, on the certificate of the presiding judge of said court; *provided*, that no more than one sergeant-at-arms shall be appointed by the said judges in each of such counties.

Compensation

Proviso.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed, and that this act shall take effect immediately.

Approved March 31, 1887.

## CHAPTER LXX.

An Act providing for the pensioning of police officers and policemen in certain cities of this state, and regulating the method by which the same may be accepted and become operative in said cities.

Members of police force who may be retired upon half pay.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state all members of the police force of such city as shall have honorably served upon such force for twenty years, and may have attained the age of sixty years, may be retired upon one-half pay.

Members attaining certain age may be retired, &c.

2. *And be it enacted*, That any member having attained the age of fifty years, who shall have honorably served upon such force for twenty years, shall, upon application to the board having charge of the police department of such city, be voluntarily retired upon half pay.

Members disabled to be retired, &c.

3. *And be it enacted*, That any member of such force having received permanent disability by reason of accident incurred at any time in the service, or by reason of disease contracted in the service after ten years in the service, shall be retired upon half pay.

When full compensation to be paid.

4. *And be it enacted*, That every member of such force shall be paid full compensation or salary during temporary disability occasioned while in the performance of his or their duty.

Municipalities may borrow money to cover pensions, &c.

5. *And be it enacted*, That in any city or municipality in which this act shall become operative in the manner herein provided, the board or authority having control of the finances of such city or municipality shall borrow a sum sufficient to cover all pensions and matters above stated, required during the remainder of the current fiscal year of such city or municipality, or may permit the same to be paid out of any money of said city or municipality not otherwise appropriated, and shall thereafter annually put in the annual tax levy raised in said city or municipality a sum equal to at least four per centum of the salaries in the aggre-

gate paid to the police force of such city, to be used and kept exclusively as a fund out of which payment of the pensions and matters herein stated shall be made as provided for in this act.

Board to regulate pensions, &c., and make rules and regulations.

6. *And be it enacted*, That in any city or municipality in which this act shall become operative, the board or committee having charge or control of the police force or department in such city or municipality shall and are hereby empowered to regulate the pensions and matters above stated, and make all requisite rules and regulations necessary therefor not inconsistent with this act.

Board to invest moneys in bonds, &c.

7. *And be it enacted*, That the board or committee having charge or control of the police force or department in any such city or municipality wherein this act shall become operative, as herein provided, immediately upon receiving or being paid any of the moneys raised for or constituting the fund provided for in section five of this act, shall thereupon proceed to securely invest any and all of such moneys not then required for or appropriated to the immediate payment of any of the pensions and matters above stated in interest-bearing bonds of such city or municipality, which said bonds shall be held, kept and maintained exclusively for the benefit, use, purposes and credit of such fund.

Board of aldermen or common council may submit acceptance or rejection of this act to the legal voters.

8. *And be it enacted*, That the board of aldermen or common council of any city may, by resolution, at any time submit the question of the acceptance or rejection of this act to the voters at any charter or general election, and if a majority of those who shall vote for the acceptance or rejection shall be in favor of the acceptance of the act, then this act shall go into effect immediately, and the grant of powers herein made to any such city shall be deemed to be accepted by such city, and such city shall be bound by the terms of this act; persons entitled to vote at any charter or municipal election where this question is submitted to them, shall express their assent or rejection of this act by depositing their ballots in the box provided for depositing ballots at such election in the election precincts or wards of any such city, and those who are in favor of the acceptance of this act and the grants and powers therein contained, shall each deposit a ballot containing the words "police pension accepted," written or printed, or partly written and partly printed thereon; and those who are opposed

Form of ballot.

shall each deposit a ballot with the words "police pension rejected," written or printed, or partly written and partly printed thereon; and this acceptance or rejection may be expressed upon the ballot on which are the names of the state, city or ward officers, and no separate ballot shall be required for the purpose of this vote; there shall be a canvass, on the return of the votes, upon this question of such acceptance or rejection, made by the election officers in the same way and manner as for officers voted for at such election, and if a majority of the ballots on which there shall be either the words "police pension accepted," or "police pension rejected," shall be found to be for the acceptance of this act, it shall then, but not otherwise, go into effect and be binding upon such city wherein such vote shall have been taken.

Approved March 31, 1887.

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## CHAPTER LXXI.

A Supplement to the act entitled "An act concerning corporations" [Revision], approved April seventh, one thousand eight hundred and seventy-five.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section sixty-three of the said act shall be and the same hereby is amended so as to read as follows, to wit:

Lien of workmen in case of insolvency.

63. *And be it enacted*, That in case of the insolvency of any corporation the laborers then or theretofore in the employ thereof shall have a lien upon the assets thereof for the amount due to them respectively, which shall be paid prior to any other debt or debts of said company; and the word "laborers" shall be construed to include all persons doing labor or service of whatever character for or as workmen or employees, in the employ of such corporation; and the lien shall have reference to and comprise all claims for such labor or services rendered for or in behalf of such cor-

porations before the date which the court adjudges to be the time when the insolvency occurred which gives it jurisdiction whether such "laborers" were in the actual employ of such corporation at that time or not.

Act not to apply.

2. *And be it enacted*, That this act shall not only apply to all proceedings in insolvency hereafter begun, but as well to any now pending where the assets have not been distributed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 31, 1887.

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## CHAPTER LXXII.

An Act regulating the pay of officers and men of paid fire departments in cities of this state.

Salaries of officers and men of paid fire departments specified.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state having a paid fire department the pay or salaries per annum of the following named officers and employes shall be as hereinafter specified, namely: to the chief engineer the sum of not less than two thousand dollars, to the assistant engineer the sum of not less than one thousand four hundred dollars, to the clerk of the board the sum of not less than one thousand four hundred dollars, to the superintendent of telegraph the sum of not less than one thousand three hundred and fifty dollars, to the inspector of horses the sum of not less than seven hundred and fifty dollars, to engineers of steamers the sum of not less than one thousand dollars, to stokers of steamers the sum of not less than eight hundred and fifty dollars, to drivers of steamers, tenders or trucks the sum of not less than eight hundred and fifty dollars, to tillermen of trucks the sum of not less than nine hundred dollars, to the telegraph linemen the sum of not less than eight hundred and fifty dollars, to permanent hosemen and permanent truckmen the sum of not less than

eight hundred dollars, to foremen of companies the sum of not less than two hundred and fifty dollars, to hosemen at call and truckmen at call the sum of not less than seventy-five dollars, in lieu of all other compensation whatever.

Provisions of act inoperative until assented to by the legal voters.

2. *And be it enacted*, That the provisions of this act shall remain inoperative in any city or municipality until the same shall by a resolution therefor of the common council or board having control of the fire department of said city be submitted to a vote of the legal voters of said city and be assented to by a majority of all the legal votes cast at any regular charter or general election to be hereafter held in such city or municipality next after the passage of such resolution; such submission shall not be made until said resolution as aforesaid shall have been adopted by such board and notice of the same published every day for five days next preceding such election in the official daily newspapers in said city by the city clerk, and the city clerk of such city or municipality shall, on the resolution of the common council, board of aldermen, board of fire commissioners, or other governing body of such city or municipality, provide for each elector voting at such election ballots to be printed or written, or partly printed or written, on which shall be either the words "for increase of pay of fire department" or "against increase of pay of fire department," and if a majority of those voting shall be in favor of an increase of the pay of the fire department, then this act shall go into effect immediately, and the pay or salaries of the officers or men of such department shall be as hereinbefore stated; persons voting at any charter or general election shall express their assent to or rejection of this act by depositing their ballots in the box provided for depositing ballots at such election, in the election precincts, districts or wards of any such city, and those who are in favor of the acceptance of this act shall each deposit a ballot containing the words "for increase of pay of fire department," written or printed thereon, and those who are opposed shall each deposit a ballot with the words "against increase of pay of fire department," written or printed thereon, and this acceptance or rejection may be expressed upon the ballot on which are the names of the ward, city, county or state officers, and shall be counted in determining such result; there shall be a canvas on the return of the

Form of ballot.

votes upon the question of such acceptance or rejection made by the election officers in the same way and manner as for officers voted for at such election.

When increase of pay to go into effect.

3. *And be it enacted*, That the increase of pay or salaries provided by this act shall go into effect on the first day of the next calendar month thereafter, notwithstanding that there may not be any existing appropriation or fund sufficient to meet such increase, and the board of authority having control of the finances of such city or municipality shall borrow a sufficient sum to cover such increase for the remainder of the current fiscal year of such city or municipality, or may permit the same to be paid out of any money of said city or municipality, and shall put such sum in the next tax levy raised in said city or municipality.

4. *And be it enacted*, That this act shall take effect immediately.

Approved April 1, 1887.

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## CHAPTER LXXIII.

An Act to authorize the common council or other governing body in the cities of this state to designate who shall perform the duties of certain officials when such officials are temporarily absent or unable to perform their duties by reason of sickness.

Municipalities may provide by ordinance or resolution who shall perform the duties in absence of heads of departments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where by the law of this state, certain duties are imposed upon the comptroller, treasurer, auditor of accounts, or other heads of departments in the cities of this state, and no person is now by law authorized to perform the duties so imposed by such officers when such officers are temporarily absent or sick, it shall and may be lawful for the common council or the board having control of the finances of such city, by ordinance or resolution, to provide who shall, during the temporary absence or sickness of any such officer, perform the duties so imposed as

acting officer, and that the acts of the person or persons so appointed shall be in all cases as legal and binding as if done and performed by the officer for whom such appointee is acting.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 1, 1887.

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## CHAPTER LXXIV.

An Act to authorize the issue of duplicate bonds of the state of New Jersey in lieu of those destroyed by fire.

Treasurer authorized to issue and execute duplicate bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of the state of New Jersey, upon the presentation to him and the attorney general of proof satisfactory to them, that bonds numbers seventeen, eighteen and nineteen of the state of New Jersey, of the denomination of one hundred dollars each, dated April first, one thousand eight hundred and sixty-five, redeemable January first, one thousand eight hundred and ninety-three and the coupons thereto belonging, the property of Maude A. Hamill, of Lawrenceville, in this state, were in fact, as alleged, accidently destroyed by fire, and upon receiving from the said Maude A. Hamill her bond, executed to the state of New Jersey in the penal sum of six hundred dollars, with two sufficient sureties, conditioned to indemnify and save harmless the said state of New Jersey from all loss, damage or expense which may happen to the said state by reason of the issue and execution of the bonds and coupons hereinafter mentioned, be and he is hereby authorized to issue and execute to the said Maude A. Hamill duplicate bonds, to be numbered seventeen, eighteen and nineteen, and to be dated of the date of issue thereof, with the proper coupons, which bonds and coupons shall each be marked "duplicate."

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 1, 1887.

## CHAPTER LXXV.

An Act to protect farmers, gardeners and fruit growers against the loss of baskets and other packages.

Unlawful to allow baskets or packages to go out of possession without receiving value for same.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person or persons engaged in selling the products of a farm or garden, either on commission or otherwise, to allow the basket or other package containing any of the said products to go out of his or her possession without first demanding and receiving a sum of money equal to the full value of the said basket or other package; said sum of money to be refunded to the purchaser of the aforesaid products upon the return of the basket or other package in as good condition as when he or she received it; *provided*, the owner or owners shall have his, her or their name or names, mark or marks, distinctly branded, stamped or painted upon the aforesaid basket or other package.

Proviso.

Money collected to be paid to farmer or owner.

2. *And be it enacted*, That the money collected on baskets or other packages not returned shall be paid to the farmer or owner at the end of each month.

Penalty for violation of act.

3. *And be it enacted*, That any person or persons who shall violate the provisions of either of the forgoing sections, or shall, without the written permission of the owner or owners thereof sell, dispose of, buy or traffic in, mar or erase the brands or marks on, wilfully break, destroy or otherwise injure, fill or use for any other purpose than the sale of the original contents of any of the aforesaid baskets or other packages, shall be liable to a penalty of twenty dollars, with costs for each and every offense; said penalty may be sued for and recovered, with costs, by any person in any court of competent jurisdiction.

When act to take effect.

4. *And be it enacted*, That this act shall take effect three months after the passage of this act.

Passed April 1, 1887.

## CHAPTER LXXVI.

An Act to organize and establish a state board of agriculture.

Who to constitute the state board of agriculture.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the members of all agricultural and horticultural societies, farmers' clubs, granges of the patrons of husbandry, and other agricultural associations, shall constitute the membership of the state board of agriculture.

How constituted.

2. *And be it enacted*, That the board of directors shall hereafter consist of the following, viz.:

Class A.—Two members of the board of managers of the geological survey, to be appointed by said board; two members of the board of visitors of the state agricultural college, to be appointed by said board;

Class B.—The professor of agriculture in the state agricultural college, the president and director of the state experiment station, and the master and secretary of the state grange, patrons of husbandry;

Class C.—Two delegates from the state agricultural society, two delegates from the state horticultural society, two delegates from the cranberry growers' association, one delegate from each pomona grange, and two delegates from each county board of agriculture which may associate itself with the state board in the manner hereinafter provided.

Compensation of officers, directors, secretary, &c.

3. *And be it enacted*, That the officers, board of directors and committees appointed by the state board (or by the board of directors), shall receive compensation from the state for their personal expenses, when engaged in the duties of the said board; the secretary of the state board shall receive an annual salary of six hundred dollars, and may, with the approval of the executive committee, employ a clerk or clerks, at an expense of not over one hundred dollars a year.

All members entitled to vote and hold office.

4. *And be it enacted*, That all members of the state board, as set forth in section one of this act, shall be entitled to vote on all questions at the meetings of the board, and also

to hold office and serve on committees, but to receive compensation only as provided in section three of this act.

Powers and duties of the board.

5. *And be it enacted*, That the state board of agriculture shall have full power to investigate such subjects relating to the improvement of land and agriculture in its various branches in this state as they may think proper, and may take, hold in trust and exercise control over donations or bequests made to them for promoting scientific education or the general interests of agriculture; they shall have power to elect to membership such state organizations as may from time to time apply, by a majority vote of the board or of the annual meeting assembled, and such organization shall, upon election, be entitled to two delegates, the same as provided in section two of this act.

To encourage the formation of county boards.

6. *And be it enacted*, That it shall be the duty of the state board of agriculture to encourage and aid, as far as practicable, the formation of county boards of agriculture in the several counties of this state, that all the agricultural interests of the state may be fully represented.

Where board to meet and elect officers, &c.

7. *And be it enacted*, That the board shall meet at the state house in the city of Trenton, at least once each year (and as much oftener as may be deemed expedient), and shall elect a president, vice-president, secretary and treasurer, who, with three others to be elected at the same time, shall constitute the executive committee of said board, and they shall appoint two members, who shall constitute a committee to examine the vouchers and audit the account of the treasurer of the said board.

Term of office of board of directors.

8. *And be it enacted*, That the members of the board of directors shall hold office the following terms:

Class A, one year,
Class B, one year,
Class C, two years, the representatives of each association retiring alternate years.

Expenses, &c., of officers, directors, &c., by whom and how paid.

9. *And be it enacted*, That the expenses of the officers, board of directors and committees, as provided in section three of this act, shall be forwarded to the executive committee of the state board, who shall make up the same from time to time, together with the salary of the secretary, which account, when approved by the president of the board, and attested by the secretary, shall be presented to

the comptroller of the state, who shall thereupon draw his warrant therefor upon the state treasurer, who shall pay the same out of any moneys in the treasury not otherwise appropriated, to the treasurer of the state board of agriculture upon such warrant, which amount shall be considered part of the annual appropriation as provided in section ten of this act.

Executive committee authorized to cause experimental and practical tests of remedies or cures of diseases of animals, &c.

10. *And be it enacted*, That in order to collect and disseminate reliable and useful information, and to encourage a higher standard in the agriculture and horticulture of the state, the executive committee are hereby authorized to cause to be made experimental and practical tests of specific remedies or cures of diseases of domestic animals and poultry, and to employ suitable persons to lecture before the state board of agriculture, at its annual or other meetings, to examine the reports of the state horticultural society and all other reports, essays, papers and documents, and to accept or reject the same, or any portion thereof; to apportion to the state horticultural society and the several county boards such sum or sums of money, for the information secured and the labor performed, as they deem equitable, such amount not to exceed one hundred dollars in any one year to any county board, one-half of this amount to go to the party or parties making up the report and one-half to the treasury of the county board, to pay its running expenses, and submit the amounts thus determined upon to the state comptroller, who shall thereupon draw his warrant upon the state treasurer, who shall pay the same out of any moneys in the state treasury not otherwise appropriated, to the treasurer of the state board of agriculture; *provided*, that the amount thus expended shall not exceed the sum of thirty-seven hundred dollars in any one year.

Expenses, by whom paid.

Proviso.

Report of receipts and disbursements to be made.

11. *And be it enacted*, That the treasurer of the state board shall annually submit an itemized statement of his receipts and expenditures, together with the vouchers for the same, to the auditing committee of the state board, who shall make a report of their examination to the state board of agriculture at each annual meeting, which statement shall be published in its annual report.

Who to constitute county boards.

12. *And be it enacted*, That the membership of the county boards shall consist of all the members of the agricul-

tural and horticultural associations of each county, and such others as they may elect.

I. In counties having no agricultural or horticultural associations any number of citizens not less than ten may organize a county board of agriculture by electing a president, a secretary, a treasurer, and a board of not less than five directors, adopting the name of "The county board of agriculture" (inserting in each case the name of the proper county), and filing with the secretary of the state board of agriculture a certificate of such organization; *provided, however*, that upon the formation of any agricultural or horticultural association in said county, they shall become members of such county board, as provided in articles two and three of this section.

II. In counties having but one agricultural or horticultural organization (whether known and designated as a "society," "club" or "grange,") such organization may become the county board of agriculture for such county by electing the officers and directors prescribed in the first paragraph of this section, adopting the name of "The county board of agriculture" (inserting the name of the proper county) and filing with the secretary of the state board a certificate of such organization.

III. In counties having more than one agricultural or horticultural organization (whether known and designated as "societies," "clubs" or "granges,") such organizations, or so many of them (not less than two) as may elect so to do, may organize a county board of agriculture by electing a president, a secretary, a treasurer, and a board of directors to consist of one member of each agricultural or horticultural organization of said county (that may elect to become members of such county board) adopting the name of "The county board of agriculture," (inserting in each case the name of the proper county) and filing with the secretary of the state board of agriculture a certificate of such organization.

IV. The president, secretary and treasurer of such county board of agriculture shall be ex-officio members of the board of directors of such board.

V. Every certificate filed, as hereinbefore provided, shall truly and correctly state, first, the name of the county board filing the same; second, the date of its organization under

this act; third, the names of its officers and directors; fourth, the names of bona fide members in each organization represented in the county board at the date of organizing said board, and the names of such organization.

VI. In any county in which there may be at the same time a county board of agriculture and any other agricultural organization, such board shall have the prior right to representation in the state board, unless for good cause shown the said state board, or its executive committee, shall otherwise order.

County boards to make annual report.

13. *And be it enacted*, That it shall be the duty of each county board of agriculture, on or before the fifteenth day of December in each year, to make a full report of the transactions of such board during the year next preceding, with as complete a statement as practicable, of the condition, progress and results of agricultural and horticultural industries in such counties respectively, together with reports of such special subjects of inquiry as may from time to time present themselves to such county boards, or be submitted by the state board of agriculture, or the executive committee thereof, and forward the same to the secretary of the state board of agriculture, and it shall be the duty of the several representatives of county boards in the said state board to make a full report to their respective county boards of the proceedings of such meetings of the state board as they may from time to time attend.

Directors of state board to make and adopt by-laws, rules and regulations.

14. *And be it enacted*, That the directors of the state board of agriculture, or its executive committee, shall have power to make all necessary and proper by-laws for carrying into execution the provisions of this act, and to adopt suitable rules and regulations, not inconsistent herewith, for the government of the state and county boards of agriculture.

Executive committee to submit detailed report to the legislature.

15. *And be it enacted*, That annually, on or before the fourth Tuesday in February, the executive committee, through its chairman or secretary, shall submit to the legislature a detailed report of the doings of the state board of agriculture, together with such recommendations as the interests in their charge may require.

Act and supplement repealed.

16. *And be it enacted*, That the act entitled "An act to organize and establish a state board of agriculture," approved April twenty-second, one thousand eight hundred

and eighty-four, and the supplement thereto, approved March tenth, one thousand eight hundred and eighty-five, be and are hereby repealed.

17. *And be it enacted*, That this act shall be deemed a public act and take effect immediately.

Approved April 1, 1887.

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## CHAPTER LXXVII.

Supplement to an act entitled "An act to provide for licensing hacks and other vehicles by the township committees of the several townships of this state, and for the better government of the same," approved March fifth, one thousand eight hundred and seventy-nine.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act entitled "An act to provide for licensing hacks and other vehicles by the township committees of the several townships of this state, and for the better government of the same," approved March fifth, one thousand eight hundred and seventy-nine, be and the same is hereby amended to read as follows:

Township committee empowered to pass ordinances and to make rules, regulations, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all townships in this state having a population of more than ten thousand inhabitants the township committee of said township shall have power to pass, alter and repeal ordinances, and to make rules and regulations for licensing and regulating public hacks, cabs, omnibusses, stages, carriages and vehicles used for the transportation of passengers within the limits of said townships, and to fix the license fee for the same, and to prohibit unlicensed persons from acting in the capacity of hackmen; *provided*, that this act shall not apply to boroughs or seaside resorts having power to grant such licenses.

Proviso.

Section repealed.

2. *And be it enacted*, That the third section of the act to

which this is a supplement be and the same is hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 1, 1887.

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## CHAPTER LXXVIII.

An Act to authorize any cemetery or burial ground governed by a board of directors, trustees or managers to invest any surplus funds received from the sale of lots or graves.

Directors, trustees, &c., to invest surplus moneys or funds in mortgages or bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of directors, trustees or managers of any cemetery or burial grounds in this state under the management and control of such a board, to invest any surplus moneys or funds of said cemetery or burial grounds accruing from the sale of lots, graves or any other sources, in first-class mortgages or state, county or city bonds bearing interest, and any and all interest accrued thereon shall be for the benefit of said cemetery or burial ground funds for maintaining and improving said cemetery or burial ground.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

3. *And be it enacted*, That this act shall be deemed a public act and take effect immediately.

Approved April 1, 1887.

## CHAPTER LXXIX.

A Further Supplement to an act entitled "An act concerning corporations" [Revision], approved April seventh, one thousand eight hundred and seventy-five.

Who to fill vacancies caused by death of incorporators of corporations.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where one or more of the incorporators of any corporation created by or under any general or special act, shall have died before the corporation shall have been organized pursuant to law, the survivors or survivor may, in writing, designate other persons who may take the place and act instead of those deceased in the organization; and the organization so effected by their aid shall be as effectual in law as if the organization had been effected by all the incorporators.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 1, 1887.

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## CHAPTER LXXX.

An Act concerning cemetery corporations incorporated by special acts.

Cemeteries may acquire additional real estate and borrow money to pay for same.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any cemetery corporation incorporated under any special act of incorporation, whenever all of the lots into which the cemetery land is divided are disposed of to acquire additional real estate for the purposes of such corporation, and to borrow money to pay for the same, and make and execute its

bonds therefor; *provided, however*, that no such corporation shall borrow more than twenty thousand dollars under the provisions of this act. Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 1, 1887.

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## CHAPTER LXXXI.

A Further Supplement to an act entitled "An act concerning railroad corporations," approved March sixth, one thousand eight hundred and seventy-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any railroad company owning and operating a railroad wholly within any county of this state whose charters authorize any such company to purchase, have and hold real estate at the commencement and termini of their road, and the different intermediate depots upon the line of the same, not exceeding one acre at each place, to take and acquire title to real estate at the commencement and termini of their road and the different intermediate depots upon the line of the same, to any amount not exceeding ten acres at each such place, as in the judgment of the directors of such company the exigencies of business may demand, for the erection of freight and passenger depots and all other legitimate purposes of such company; *provided, however*, that all lands to be acquired under the provisions of this act and the buildings to be erected thereon shall be liable and subject to full local taxation. Railroad companies may take and acquire real estate, &c. Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 1, 1887.

## CHAPTER LXXXII.

An Act to amend an act entitled "A supplement to an act entitled 'An act for the preservation of fish,'" approved April fifth, one thousand eight hundred and seventy-eight, which said supplement was approved March seventeenth, one thousand eight hundred and eighty-two.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section four of the act to which this is amendatory, be and the same is hereby amended so as to read as follows:

Act not to apply to certain waters, &c.

4. *And be it enacted*, That nothing contained in this act shall be held to apply to fishing above tide-water in the waters of this state, nor shall any of the provisions of this act be held to apply to the waters of Barnegat bay or its tributaries comprised within the limits of the boundaries of the county of Ocean, nor to the fishing of pounds or weirs in the waters of this state within two miles of the shore-line of the county of Monmouth, nor to the waters which are subject to the jurisdiction of this state and the states of Pennsylvania and Delaware; *provided, however*, that it shall not be lawful to fish with pounds or weirs in any of the waters of this state, except as provided for in this section.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 1, 1887.

## CHAPTER LXXXIII.

An Act to amend an act entitled "An act to revise and consolidate certain acts concerning chattel mortgages and to repeal the supplement on this subject," approved March twenty-fourth, one thousand eight hundred and eighty-one, approved May second, one thousand eight hundred and eighty-five.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the thirteenth section of the act to which this is a supplement, be and the same is hereby amended so that the same shall read as follows;

Mortgagor removing property, &c., without consent of owner of claim guilty of a misdemeanor.

13. *And be it enacted*, That any mortgagor of personal property in possession of the same who, without consent of the owner of the claim secured by mortgage and with intent to defraud, removes any of the property mortgaged out of the county where it was situated at the time it was mortgaged, or secretes, destroys, sells or exchanges the same without such consent, shall be deemed guilty of a misdemeanor, and upon conviction therefor shall be punished by a fine not to exceed one thousand dollars or imprisonment at hard labor not exceeding six months, or both at the discretion of the court.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 1, 1887.

## CHAPTER LXXXIV.

An Act in relation to past due taxes.

Boards authorized to revise, alter, adjust and settle past due taxes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of finance and taxation, or other board having control of the financial affairs of any city in this state, or the common council or other legislative body in any city in this state, wherein the taxes laid, levied and assessed upon or on account of any lands or real estate prior to the year one thousand eight hundred and eighty-six, and now remaining due and unpaid, have been irregularly laid, levied and assessed, or where the lien of any city for such taxes shall be questioned or impaired, upon application and petition presented to any such board, common council or legislative body by any person or persons interested in any such lands or real estate, to make such revision, alteration, adjustment and settlement of past due taxes so laid, levied or assessed, and any and all interest and penalties thereon as such board, common council or legislative body, subject to the approval of the mayor, may and shall deem to be for the best interest of any such city; that upon the making of any such revision, alteration, adjustment and settlement, the collector of taxes, or person authorized to receive the same, shall make and deliver to the person or persons paying for any such taxes so adjusted a receipt therefor, and shall forthwith cancel the record of such tax, and upon such payment such tax shall cease to be a lien upon the real estate or property, and shall be deemed and taken to be fully paid, satisfied and discharged; *provided*, that when any such revision, alteration and adjustment of past due taxes shall be so made, the same shall be settled for and paid by the person or persons making such application within thirty days after any such revision, alteration, adjustment and settlement; *provided, further*, that the provisions of this act shall not in any wise affect or impair the interest or lien of any purchaser other than such city, acquired under any sale

Duty of Collector.

Taxes paid ceases to be a lien.

Proviso.

Proviso.

made for past due taxes or apply to taxes made, levied or assessed subsequent to the first day of January, one thousand eight hundred and eighty-six; *provided, further*, that the provisions of this act shall not apply to any city where commissioners of adjustment have been appointed by the circuit court of the county in which such city is situate under the provisions of the act entitled "An act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water rates or water rents in cities of this state, and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages, and to enforce the payment thereof, and to provide for the sale of lands subjected to future taxation and assessment," passed March thirtieth, eighteen hundred and eighty-six. Proviso.

2. *And be it enacted*, That all acts, general and special, inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved April 1, 1887.

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## CHAPTER LXXXV.

A Supplement to an act entitled "An act to authorize the boards of chosen freeholders of the respective counties of this state to issue bonds to raise money for state and county purposes in anticipation of the arrearages of state and county taxation," approved March eighteenth, one thousand eight hundred and eighty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section four of an act entitled "An act to authorize the boards of chosen freeholders of the respective counties of this state to issue bonds to raise money for state and county purposes in anticipation of the arrearages of state and county taxation," approved March Section amended.

eighteenth, one thousand eight hundred and eighty-one, be and the same is hereby amended so as to read as follows:

Board of freeholders to create a sinking fund.

4. *And be it enacted*, That whenever bonds shall be issued by any board of chosen freeholders under the provisions of this act it shall be the duty of the board of chosen freeholders to create a sinking fund into which shall be paid all sums of money received on account of said arrearages or interest on the same or moneys received as premiums upon the sale of any county bonds; and that for the proper management of said sinking fund a sinking fund commission is hereby created, to consist of the director of said board, the county collector of the county and the chairman of the finance committee of said board, and it shall be lawful for said commissioners, under the direction of the board of chosen freeholders of such county, to take charge of said sinking fund and to securely invest said funds and the interest accruing thereon so that the funds in the sinking funds aforesaid shall be available to pay bonds of such county as they may fall due, or the said commissioners may invest the same in the purchase of any bonds of such county heretofore or hereafter legally issued.

Sinking fund commission created.

To invest funds, &c.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 1, 1887.

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## CHAPTER LXXXVI.

An Act to authorize the transfer of licenses granted by the excise board of any city in this state.

Board authorized to transfer or revoke licenses.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the excise board or board of excise commissioners of any city in this state shall be authorized and empowered, in their discretion, to transfer or revoke any license granted by them; and in case of transfer, the license so transferred shall only be good for the unexpired term thereof and at the place mentioned in the

original license, and in case of a revocation of any license, any person selling or offering for sale thereunder shall be liable to all the penalties now provided by law for selling without a license; *provided, however*, that before any transfer shall be made by any excise board, there shall be paid a fee for such transfer, to be fixed by the board, of not less than five dollars.

Penalty for selling when license is revoked.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 1, 1887.

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## CHAPTER LXXXVII.

A Further Supplement to an act entitled "An act to incorporate and regulate telegraph companies," approved April ninth, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any telegraph or telephone company, organized by virtue of the act to which this is a further supplement or by virtue of any special act, shall apply to the common council, township committee or other legislative body of any city, town, township, village or borough in this state, (the common council, township committee or other legislative body of which is authorized by law to take and appropriate lands or real estate for the opening, laying out or constructing streets therein, and to make awards for lands or real estate taken therefor, and to levy assessments for benefits or expenses of such improvements, by a board of assessment or otherwise), through which it is intended to construct, rebuild or extend any telegraph or telephone line, for a designation of the street, streets or highways, in or upon which the posts or poles of said company may be erected, it shall be the duty of such common council, township committee or other legislative

Common council, &c to designate in writing the streets or highways in which posts or poles are to be placed.

body to give to such company a writing, designating the street, streets or highways in which the posts or poles of said company shall be placed, and the manner of placing the same, subject in other respects to the provisions of the act to which this is a further supplement.

Unlawful to extend line or erect poles, &c. without obtaining designation, &c.

2. *And be it enacted*, That it shall be unlawful for any telegraph or telephone company to construct, rebuild or extend any telegraph or telephone line, or to erect any posts or poles therefor in any city, town, township, village or borough, having the powers enumerated in the first section of this act, without first obtaining such designation of their route, and then only upon the street, streets or highways so to be designated.

Designation to be made by ordinance.

3. *And be it enacted*, That the designation of such route provided for in the first section of this act shall, in all cases, be made by ordinance where the legislative body of any of the municipal corporations hereinbefore designated are authorized by law to enact ordinances for any purpose whatever.

4. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Approved April 1, 1887.

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## CHAPTER LXXXVIII.

An Act to provide means to increase the fish production of the waters of this state.

Appropriation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of continuing the work of stocking the waters of this state with food fishes, there is hereby appropriated the sum of three thousand dollars, which shall be paid by the state treasurer on the warrant of the comptroller to the commissioners of fisheries of this state upon their requisition, to be by them expended in defraying the cost of procuring, hatching and distributing valuable food fishes to stock the rivers, streams,

lakes, and ponds of this state, and for such other purposes as they may deem advisable to restore and increase the fish production of the waters of the state.

2. *And be it enacted,* That this act shall take effect immediately.

Approved April 1, 1887.

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## CHAPTER LXXXIX.

A Supplement to an act entitled "An act to incorporate trustees of religious societies," approved April ninth, one thousand eight hundred and seventy-five, to authorize dioceses to change their corporate name, and the corporate name of trustees chosen by them, and to secure the property trusts, franchises and obligations of said corporations, notwithstanding such change of name.

Corporate name, how changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the convention of any diocese of the Protestant Episcopal church in this state, already incorporated, or that shall become incorporated, may at any regular meeting thereof, by resolution, change the corporate name of said diocese, and may also, by resolution, change the corporate name of any or all boards of trustees by them selected, that have been or shall become incorporated; and such change of name shall take effect upon filing in the office of the secretary of state a copy of said resolution, certified by the president and secretary of said convention, under their hands and seals, and acknowledged by them before a master in chancery.

Property, &c., now held not affected by change of name.

2. *And be it enacted,* That from and after such change of name said corporations shall respectively hold, convey and administer, under and by their new name, all the property, estates, trusts, rights, privileges and franchises which they had under their former name, as fully and to the same in-

tent, purposes and effect as if said name had not been changed.

After change of name, corporation to hold and receive estates, trusts, &c.

3. *And be it enacted*, That from and after such change said corporations shall be and are hereby respectively fully invested with the power, by and under such new name, to receive, hold, convey and administer all estates, gifts, bequests, devises, conveyances and trusts to them given or made by their new name or any former name, as fully to all intents and purposes as if such name had not been changed and such estates, gifts, bequests, devises, conveyances and trusts had been to them given, devised or conveyed by their former name.

Liabilities or obligations not to be impaired by change of name.

4. *And be it enacted*, That such change of name shall not impair any legal liability or obligation of or to said corporations, and that this act shall take effect immediately.

Approved April 1, 1887.

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## CHAPTER XC.

A Supplement to an act entitled "An act relative to the sale and disposition of the real estates of infants" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section ten of the above entitled act be amended to read as follows:

Before order shall be made, general guardian to give security.

10. *And be it enacted*, That before any order directing the special guardian to pay or transfer the proceeds of the sale of the lands of such infant to his general guardian shall be made, the general guardian shall give bond with sureties in a sum sufficient to secure the amount of such proceeds, which bond shall be approved by the orphans' court of the county in which the general guardian was appointed, and filed with the surrogate of said county; and a certificate from such orphans' court, signed by at least two judges

thereof and attested by the surrogate under his official seal, certifying that a good and sufficient bond has been filed in the surrogate's office sufficient to cover the amount (naming it) to come into the hands of the general guardian, shall be filed with the clerk of the court of chancery; *provided, however*, that in case such general guardian was appointed by the prerogative court, the general guardian shall give bonds with sureties in a sum sufficient to secure the amount of such proceeds, which bonds shall be approved by the ordinary and filed in the office of the clerk of the prerogative court. Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 1, 1887.

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## CHAPTER XCI.

An Act to amend an act entitled "An act providing for the appointment of collectors of arrears of taxes in towns of this state," passed May fourth, one thousand eight hundred and eighty-six.

Act amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act to which this is amendatory be and the same is hereby amended to read as follows:

Appointment of "collector of arrears of taxes" and term of office.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the town council or other governing body of each incorporated town and city in this state may annually, within thirty days after the organization of that body, appoint an officer who shall be known and designated as "collector of arrears of taxes," who shall hold his office for the term of one year from the date of his appointment and until his successor shall be duly appointed and qualified.

Collector to enter into bond, &c.

2. *And be it enacted*, That every person appointed to such office shall, within twenty days after the date of his appointment, enter into bond to the town or city (by its corporate name) in such sum and with such sureties as shall be required and approved of by the council, conditioned for the faithful performance of all duties required of him, as such officer, by law; and in case he shall fail or neglect so to do, the council may rescind or vacate such appointment, and shall make a new appointment to said office.

Compensation how prescribed.

3. *And be it enacted*, That the council may by ordinance prescribe as compensation for the services of such officer a percentage of the gross amount collected by him, not exceeding two per centum thereof.

Duties and powers of collector of arrears of taxes.

4. *And be it enacted*, That all warrants hereafter issued in any town or city for the collection of delinquent taxes therein shall be directed and delivered to the collector of arrears of taxes, and the said collector of arrears of taxes shall, in the execution of said warrant or warrants, have the same powers and perform the same duties, and be subject to the same forfeitures, as is prescribed to and imposed upon constables or collectors of taxes in and by the act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six, and the several supplements thereto; *provided*, that the provisions of this act shall not apply to any city where the circuit court of the county in which such city is situate has appointed commissioners of adjustment of taxes.

Proviso.

Repealer.

5. *And be it enacted*, That all acts and parts of acts, general, special, local, public or private, inconsistent herewith, be and the same are hereby repealed.

6. *And be it enacted*, That this act shall take effect immediately.

Approved April 1, 1887.

## CHAPTER XCII.

A Further Supplement to an act entitled "An act relative to sales of lands under a public statute or by virtue of any judicial proceedings" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no sale of land heretofore made shall be invalidated by reason of the omission to publish the advertisement of such sale for four weeks successively, once in each week next preceding the day of sale; *provided*, that such advertisement of such sale have been duly published in two newspapers published and printed in the county where the lands are situate, and designated by law for the publication of the laws of this state, for two months next preceding said sale, at least once in each month; *and provided*, that four publications of such sale shall have been made in said papers during said time, one notice of which shall have been published in an issue of said paper for two days next preceding said sale; *and providing*, that such sale has been confirmed by the orphans' court under whose authority such sale was made.

Sales of lands not invalidated by reason of omission to publish advertisements.

Proviso.

Proviso.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 1, 1887.

## CHAPTER XCIII.

A Further Supplement to an to an act entitled "An act for the formation of borough governments," approved April fifth, one thousand eight hundred and seventy-eight.

Mayor and council authorized to order or cause streets, roads, &c to be graded, paved, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of boroughs organized under the act to which this is a further supplement, shall have power and authority by ordinance to order and cause any street, road or avenue or any section of any street road or avenue within the borough to be graded, graveled, paved, macadamized or otherwise improved and regulated in such manner as they may deem advisable; *provided*, application in writing, signed by the owners of at least one-half of the lineal feet of land fronting on the proposed improvement, be first presented to the mayor and council; *provided, further*, that nothing herein contained shall prevent the use of road tax for macadamizing, repairing or improving public roads, as now provided by law.

Proviso.

Proviso.

Notice of intention of improvement to be made.

2. *And be it enacted*, That the mayor and council, upon receiving the application referred to in the preceding section, shall cause the borough clerk to give notice of the intention of the mayor and council to cause such improvement to be made or such work to be done or performed, briefly describing such work or improvement, and requiring such persons as object thereto to present their objections in writing to the said clerk on or before a day therein named, not less than ten days after the date of said notice, which said notice shall be posted in three of the public places in the borough, one of which shall be at the post office thereof, and also published in at least two of the newspapers printed and published or circulating in the borough; if no objection be so filed within the time required therefor, then the mayor and council may proceed to consider the improvement ordinance; but if objections be filed a

a time shall be fixed for hearing the same, and those objecting notified thereof in writing.

Further proceedings necessary may be by resolution.

3. *And be it enacted*, That after the passage of such ordinance any and all further acts and proceedings necessary to complete the improvement contemplated by section one hereof shall be by resolution.

Costs and expenses to be assessed upon lands and real estate benefited.

4. *And be it enacted*, That the mayor and council shall ascertain the whole amount of the cost and expenses of said improvement, and shall cause to be made a just and equitable assessment thereof upon the lands and real estate benefited thereby in proportion to the benefits received thereby, and no lands or real estate shall be assessed beyond benefits; and in case the costs and expenses of the improvement shall exceed the benefits, the excess shall be paid out of the general road tax.

Commissioners, how appointed.

5. *And be it enacted*, That the mayor and council shall appoint three disinterested resident freeholders of said borough (residing in different wards, if the borough be divided into wards,) commissioners to make the assessment of the costs and expenses of such improvement or work in the manner herein contemplated.

Commissioners to take oath.

6. *And be it enacted*, That the said commissioners, before they enter upon their duties, shall take an oath or affirmation before the mayor or borough clerk to make the said assessment impartially, according to the best of their skill, judgment and understanding.

Commissioners to make report.

7. *And be it enacted*, That the said commissioners shall make a report, in writing, of the assessments so made and of the excess (if any) of the costs over benefits, and before proceeding to sign said report, shall file the same in the borough clerk's office, and shall give notice of the time and place when and where the parties interested can be heard by the commissioners, which notice shall be posted in three of the most public places in the borough, one of which shall be at the post office thereof, and also published in at least two of the newspapers printed or published or circulating in the borough, and after hearing the parties, the said commissioners shall proceed to correct and complete the report and sign the same and return said report with all objections presented to them in writing, and the said report shall be brought before the mayor and council by the borough clerk at the next regular meeting after the same is

Report to be filed.

Notice of filing, &c. to be posted up and published.

filed, and the mayor and council shall fix a time for the examination and confirmation of said report and shall give like notice thereof and in the manner provided in this section for hearings before the said commissioners, and the mayor and council, at the time fixed therefor, shall examine the matter and correct said report and assessment and ratify the same, and every report so ratified shall be final and conclusive, and the assessments so made shall thereupon become and remain a first and paramount lien upon and against the lands and real estate so assessed until paid.

When report is ratified or confirmed assessments made to remain a lien on lands, &c.

Borough clerk to record report and furnish abstract to collector

8. *And be it enacted*, That upon the confirmation of said report the borough clerk shall make an abstract of such assessment and record the same in a book kept for that purpose, and after so recording said abstract shall deliver the same to the collector, who shall proceed thereon in the same manner as provided by law for the collection of taxes.

Proceedings in case of failure to pay assessments

9. *And be it enacted*, That in case any of the said assessments are not paid within ninety days after the date of confirmation the mayor and council shall proceed to collect the same by issuing their warrant for the sale of the lands and real estate so assessed in the same manner and to the same effect in all things as provided in and by an act entitled "A further act concerning taxes, making the same a first lien on real estate, and to authorize sales for the payment of the same," approved March fourteenth, one thousand eight hundred and seventy-nine.

Title of act recited.

Authorized to issue certificates of indebtedness.

10. *And be it enacted*, That the mayor and council shall have authority to issue certificates of indebtedness to an amount not exceeding the cost of any improvement contemplated in and by this act, and of section seven of a supplement to the act to which this is a supplement, which supplement was passed March eleventh, one thousand eight hundred and eighty-five, and in anticipation of the collection of the assessments made or to be made therefor, which certificates shall be redeemable after one year from date, and payable in five years, and shall draw such rate of interest not exceeding six per centum per annum, as may be advisable; *provided, however*, the aggregate amount of such certificates shall never exceed two and one-half per centum of the assessed valuation of the real estate within the borough, and that all moneys received from any such assess-

Proviso.

ments shall be held and only applied toward the payment of said certificates of indebtedness.

Assessors map to be made.

11. *And be it enacted*, That the mayor and council shall cause an assessor's map of the borough to be made, among other things showing the location and width of each street, road or avenue, and of each individual lot of land or premises, and cause the same to be numbered or otherwise designated thereon, and may, for that purpose, issue certificates of indebtedness for the cost thereof, redeemable after three years and payable in seven years from date, together with such rate of interest not exceeding six per cent. per annum, as may be advisable.

May issue certificates of indebtedness for cost, &c.

12. *And be it enacted*, That this act shall take effect immediately.

Approved April 1, 1887.

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## CHAPTER XCIV.

A Further Supplement to the act entitled "An act relative to sales of lands under a public statute or by virtue of any judicial proceedings" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four and the supplement thereto, approved April ninth, one thousand eight hundred and eighty-five.

Sales of lands not invalidated by reason of omission to state hour of sale in advertisement, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no sale of land heretofore made by the direction of any court of competent jurisdiction shall be invalidated by reason of the omission to state in the advertisements of such sale the hour at which such sale should take place, but that any purchaser or purchasers of lands at such sale, shall be entitled to have a deed of the lands so purchased upon complying with the conditions of such sale, notwithstanding such omission; *provided*, that such sale shall have taken place upon the day and at the place designated in the advertisements thereof, between the

Proviso.

hours of twelve and five o'clock in the afternoon, and all of the other provisions of the acts to which this is a further supplement shall have been complied with; *and provided further*, that an order confirming such sale shall first be made by the court by which the same was ordered to be made and a deed or deeds so given shall operate to transfer the title to the purchaser or purchasers as fully as if the hour of such sale had been duly inserted in the advertisements required by the acts to which this is a further supplement.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 1, 1887.

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## CHAPTER XCV.

A Supplement to an act entitled "An act concerning clerks of grand juries," approved March ninth, one thousand eight hundred and seventy-seven.

Salary of clerks of grand juries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the salary of the clerks of grand juries in all counties of this state having by the state census of one thousand eight hundred and seventy-five a population of one hundred thousand or more inhabitants shall be three hundred dollars per term of court and no more.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall be a public act and take effect immediately.

Approved April 1, 1887.

## CHAPTER XCVI.

An Act to amend an act entitled "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings" [Revision], approved April fourteenth, one thousand eight hundred and forty-six.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section number twenty-five of the act entitled "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings" [Revision], approved April fourteenth, one thousand eight hundred and forty-six, be amended so as to read as follows:

Collector to enter into bond, with sureties.

[25. *And be it enacted*, That when any person shall hereafter be elected to the office of collector in any township within this state he shall, before he enters upon the duties of said office, enter into bond to the inhabitants of said township, in their corporate name, with one or more sufficient surety or sureties, being a freeholder or freeholders, and resident within the county in which said township is situate, to be approved of by the township committee of said township, and in such sum as the said township committee shall direct, conditioned for the faithful performance of all the duties of said office of collector of said township, according to law.]

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 1, 1887.

## CHAPTER XCVII.

A Supplement to an act entitled "An act concerning juries" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

When challenges to jurors may be made.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act all challenges to jurors, for any cause whatever in any kind of a suit, civil or criminal, in all courts of this state, may be made at any time before the juror is actually sworn.

Repealer.

2. *And be it enacted*, That all acts and parts of acts, whether local, general, special or private, inconsistent with this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved April 1, 1887.

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## CHAPTER XCVIII.

A Supplement to an act entitled "An act concerning divorces" [Revision], approved March twenty-seventh, one one thousand eight hundred and seventy-four.

What to be held and construed as wilful and obstinate desertion.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That wilful and obstinate desertion shall be regarded, held and construed by the courts of this state having cognizance of causes of divorce, to be "continued" within the meaning of the third section of the act to which this act is a supplement, notwithstanding that after such desertion has or shall have begun, the deserting party has or shall have been imprisoned in this or any other state or country upon conviction by due process of law for a crime, misdemeanor or offence, not political, committed in

this or any other state or country; *provided*, that such desertion has continued or shall have continued without interruption a sufficient length of time after such deserting party's discharge from such imprisonment, to make up, when added to the period of uninterrupted desertion prior to such imprisonment, the full period of three years. Proviso.

2. *And be it enacted*, That this act shall not apply to actions for divorce for the cause of desertion now pending in any of the courts of this state. Act not to apply.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 1, 1887.

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## CHAPTER XCIX.

An Act relative to the court of common pleas, the orphans' court and the court of general quarter sessions of the peace in the several counties of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any two of the judges of the inferior court of common pleas in each county of this state may hold the court of common pleas, the orphans' court and the court of general quarter sessions of the peace; *provided*, that in those counties having a law judge as president judge such judge shall be present as a member of said court. Two judges may hold court. Proviso.

2. *And be it enacted*, That all acts or parts of acts, whether general, special or local, inconsistent with the provisions of this act are hereby repealed, and that this act shall be a public act and take effect immediately. Repealer.

Approved April 4, 1887.

## CHAPTER C.

An Act to amend an act entitled "An act for the formation of borough commissions," approved March seventh, one thousand eight hundred and eighty-two.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section eight of the act to which this is amendatory be and the same is hereby amended so as to read as follows:

Legal voters to designate on ballot amount of money to be raised for borough purposes.

8. *And be it enacted*, That the legal voters of the said borough at each election for commissioners under this act, shall, by vote and upon the same ballot used in voting for the said commissioners, designate an amount of money to be raised for general borough purposes, not to exceed five hundred dollars in any one year, and a further amount of money to be raised for and applied to the graveling or macadamizing of roads within the boundaries of said borough, not to exceed one thousand dollars in any one year, which sums so designated, being certified upon the returns of said election, shall be assessed and collected under the respective names of "borough tax" and "borough road tax," by the same officers and at the same time and in the same manner as township taxes are or may hereafter be collected by law; *provided*, the same shall be assessed only upon the taxable property, real and personal, within the borough limits; and the money so raised shall be paid out by the township collector upon the warrant of the said commissioners, signed by the president and attested by the secretary of the said board; and if any township collector, at the expiration of his term of office, shall have in his hands any balance of such moneys he shall turn the same over to his successor in office; said township collectors shall be responsible, upon their official bonds as township collectors, for said moneys by them collected or received, and the assessors and collectors shall receive the same fees for assessing and collecting said borough tax and borough road tax as they may be entitled by law to receive

Proviso.

for assessing and collecting township tax; if any person shall think himself or herself aggrieved by any assessment or taxation made or levied under this act, he shall have the same remedy by appeal or certiorari as in the case of township taxes.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1887.

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## CHAPTER CI.

An Act providing for the method of the appointment of inspectors of public works in the cities of this state.

Inspectors of public works, how appointed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where by any existing law inspectors are or may be appointed to inspect public works authorized and ordered to be done by any common council, board of aldermen or other governing body, in any of the cities of this state, all such officers shall hereafter be appointed by the common council, board of aldermen or other governing body, in the same manner in which other subordinate officers are or may be appointed in such city, or the common council, board of aldermen or other governing body, in any such city, may at its discretion, in like manner authorize the committee having charge of the particular work for the inspection of which such officers are to be selected to make such appointment.

Compensation, qualifications and liabilities of officers appointed.

2. *And be it enacted*, That such officers so to be appointed shall possess the same qualifications, be subject to the same regulations and liabilities, and be entitled to compensation as now provided by law.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 5, 1887.

## CHAPTER CII.

An Act to authorize cities in this state to erect buildings to be used for fire department purposes and to provide for the payment and cost of erection.

Authorized to build and erect buildings for fire department purposes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any building used for fire department purposes in any cities of this state has become unsafe, and has been declared as such by the proper authority or authorities of any such city, that it shall be lawful for the proper authorities to build and erect in said city a proper and suitable building to be used for fire department purposes of said city at a cost not to exceed the sum of six thousand dollars.

Work and labor to be done by contract.

2. *And be it enacted*, That all work and labor done and materials furnished for the erection of said buildings shall be done and furnished by contract, awarded upon at least two weeks' advertisement in the two official newspapers having the largest circulation, to the lowest bidder or bidders for the same.

Authorized to issue bonds.

3. *And be it enacted*, That the municipal board of any such city having the management and control of the finances of such city are hereby authorized and empowered to issue bonds, either registered or coupon, in an amount not exceeding six thousand dollars, to raise money to pay for the erection and construction of said building, that said bonds shall be payable in six years from the date thereof, and shall bear interest not exceeding five per centum per annum, to be sold at not less than par, and that there shall be a sufficient sum appropriated and put in the tax levy of such city each year to pay the interest on such bonds, and also there shall in each year be appropriated and put in the tax levy of such city the further sum of one thousand dollars towards the payment of said bonds, to be properly invested and deposited in the sinking fund of such city, to meet the

Bonds, when payable and rate of interest.

payment of said bonds when they shall become due and payable.

4. *And be it enacted*, That this act shall take effect immediately.

Approved April 5, 1887.

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## CHAPTER CIV.

A Further Supplement to an act entitled "An act concerning corporations" [Revision], approved April seventh, one thousand eight hundred and seventy-five.

Corporations may file certificate extending corporate existence.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any corporation that has failed, during the period for its continuance named in its charter or certificate of incorporation, to file with the secretary of state a certificate extending its corporate existence, as permitted by statute, but has continued and still continues its organization and the transaction of business, may still file such certificate at any time within thirty days from the passage of this act, naming therein a period not exceeding fifty years.

Period of existence of corporation revived and extended upon filing certificate.

2. *And be it enacted*, That upon filing such certificate the period of the existence of such corporation shall be revived and extended as declared in such certificate as fully as if said period had been named in the original charter or certificate of organization of such corporation, but nothing herein contained shall be construed to interfere with the right of the state of New Jersey reserved by any law now or hereafter existing to acquire the property and franchises of any such corporation, or at any time to abolish or repeal, alter or amend the charter of the same, nor shall this act be construed to continue any irrepealable or other contract with the state contained in any charter, nor shall this act apply to any corporation against which quo warranto or other proceedings for dissolution are pending.

Act how construed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 6, 1887.

## CHAPTER CV.

An Act to provide for the payment of certificates of indebtedness issued for the purpose of constructing or improving a road or roads in counties of this state.

Certificates of indebtedness heretofore issued to be paid by the county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever, in any county of this state, certificates of indebtedness have been heretofore lawfully issued for the purpose of constructing or improving one or more roads or avenues running through or in such county, for the payment of which certificates such county was by law authorized to become obligated, such certificates shall be paid by such county and the assessments levied for the improvement or construction of such road or avenue shall hereafter be collected for the uses of such county.

Assessments to be collected for use of county.

Board of freeholders to provide means to carry out provisions of act by general taxation or may issue bonds.

2. *And be it enacted*, That the board of chosen freeholders of any county aforesaid is hereby directed to carry out the provisions of this act, and to provide the means therefor by general taxation, the same as for ordinary county expenses or by the issue and sale of bonds of such county having not more than twenty years to run and bearing not more than three and one-half per cent. interest per annum.

Repealer.

3. *And be it enacted*, That all acts and parts of acts general, public, special or otherwise, inconsistent with this act be and the same are hereby repealed, and this act shall be deemed a public act and take effect immediately.

Approved April 7, 1887.

## CHAPTER CVI.

A Supplement to an act entitled "A further supplement to an act entitled 'An act for the more easy partition of lands held by copartners, joint tenants and tenants in common,'" approved March twenty-seventh, one thousand eight hundred and seventy-four, which supplement was approved April sixteenth, one thousand eight hundred and eighty-six.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act entitled "A further supplement to an act entitled 'An act for the more easy partition of lands held by copartners, joint tenants and tenants in common,'" approved March twenty-seventh, one thousand eight hundred and seventy-four, which further supplement was approved April sixteenth, one thousand eight hundred and eighty-six, be and the same is hereby amended so as to read as follows:

Court may order inchoate estates of dower in lands to be sold, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any proceedings for the partition of lands in the court of chancery of this state, or the orphans' court of any county therein, or upon any application made or hereafter made to any justice of the supreme court or judge of any circuit court or court of common pleas of the county wherein such lands may lie, all inchoate estates of dower in lands ordered in said proceedings to be sold, may be sold by the order of said court, justice or judge, and in such case said estates in dower shall be forever barred, and the court by which said sale shall be confirmed shall direct one-third of the net proceeds of the sale of the share or shares in such lands as are subject to such dower to be invested and the income thereof during the lifetime of the tenant in fee of such share or shares to be paid to such tenant or to the lienors upon such share or shares and upon the death of such tenant said income shall be paid to the tenant in dower during her life-

One-third of proceeds to be invested, &c.

Principal to whom paid.

time, and upon her death the court shall order the principal of said fund to be paid to the heirs-at-law of the tenant in fee or to the parties holding liens upon the said share or shares at the time of the sale thereof and remaining unsatisfied at the death of the tenant in dower, as equity may require; *provided, however*, if such tenant in dower or person holding such inchoate estate of dower shall signify her consent thereto in writing, acknowledged as deeds are required to be acknowledged by married women, the proceeds of the sale of such share or shares as are subject to such dower shall be paid over as though no such estate existed.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 8, 1887.

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## CHAPTER CVII.

An Act to provide for the election of chosen freeholders in incorporated boroughs.

Legal voters to elect one chosen freeholder.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the legal voters of each incorporated borough within the state containing a population of not less than three thousand inhabitants, shall at the next and each succeeding borough election for chosen freeholder, vote for and elect one chosen freeholder, which freeholder shall hold office for the term of office prescribed under existing laws.

2. *And be it enacted*, That this act be a public act and that it shall take effect immediately.

Approved April 8, 1887.

## CHAPTER CVIII.

An Act for the relief of the state lunatic asylum at Trenton, and to provide additional accommodations for the incurable insane of this state.

Preamble.

WHEREAS, it appears to the legislature that our lunatic asylums are now crowded with patients beyond their capacity for the proper classification and curative treatment of the inmates; *and whereas*, it appears that many of said inmates are incurable, and their presence detrimental to the improvement and care of other patients;

Managers authorized to erect building.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of managers of the state lunatic asylum at Trenton be and they are hereby authorized to erect upon grounds of said asylum belonging to the state, an additional building sufficient to provide for at least two hundred inmates, and to furnish the same.

Appropriation, &c.

2. *And be it enacted*, That for the purpose aforesaid, the treasurer of the state be and he hereby is authorized to pay to the said board of managers the sum of one hundred thousand dollars out of any moneys not heretofore appropriated; the cost of the building shall be limited to the appropriation made in this section; the same shall be built in a plain and substantial style, and with a view to its extension and enlargement in the future.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 8, 1887.

## CHAPTER CIX.

An Act to amend and correct an error in the title of chapter eighty of the laws of one thousand eight hundred and eighty-three.

Preamble.

WHEREAS, It is made to appear through a clerical or typographical error in the title of chapter eighty of the laws of one thousand eight hundred and eighty-three, entitled "A supplement to an act entitled 'An act for the formation of borough governments,'" approved April third, one thousand eight hundred and seventy-eight, that the said act is not supplemental to the act to which it was intended to be a supplement; therefore,

Title of chapter amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the title of chapter eighty of the laws of one thousand eight hundred and eighty-three be and the same is hereby amended so as to read as follows:

## CHAPTER LXXX.

A Supplement to an act entitled "An act for the formation of borough governments," approved April fifth, one thousand eight hundred and seventy-eight.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 8, 1887.

## CHAPTER CX.

An Act authorizing cities to issue bonds for the purpose of acquiring immediate title to property in certain cases.

Cities authorized to issue bonds, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any case in any city in this state where water pipes have been laid and other work connected therewith has heretofore been done and materials furnished for the city in accordance with the terms of a written contract legally entered into and not in dispute and the same have not been fully paid, it shall be lawful for the board having supervision and control of the finances of such city, whether other or different provision or contracts for the payment thereof have or have not been made, to issue registered or coupon bonds in the corporate name of such city in the form now prescribed in such city, to bear interest at a rate not to exceed four and one-half per centum per annum, and deliver the same at not less than their par value to such person or persons to whom payment may be due or become due for such work and materials, or for an adjusted amount, or on an account stated between the city and such person or persons, and in full satisfaction of the same; said bonds to be issued in such installments and for the respective term of years as said board may by resolution determine; *provided*, that the principal sum of said bonds shall not exceed in amount the whole amount of money due and to become due to the said person or persons by the terms of such contract; *and provided, further*, that no bond be issued or delivered unless authorized by a resolution adopted by said board, to be approved of by the mayor of said city; *and provided, further*, that in case the moneys for which said bonds may be issued in satisfaction are by the terms of said contract due and payable without interest in installments have not been ascertained, then said bonds shall only be issued for an amount equal to the present value of said amount due in installments, based upon a computation to be made by said board having supervision

Bonds, how issued.

Proviso.

Proviso.

Proviso.

and control of the finances of such city, at the rate of six per centum per annum and having regard to the probable amount of said installments from year to year.

Moneys due to be applied to payment of bonds.

2. *And be it enacted*, That any moneys due or to become due for the use made of such work and materials, or for any merchandize, article or supply connected therewith, or furnished through or therefrom, shall be applied to the payment of such bonds and for no other purpose until the same are wholly paid.

Failure to collect moneys to pay bonds to provide by taxation for payment of same.

3. *And be it enacted*, That the proper authorities of such city, in case of the failure to collect sufficient money in the manner referred to in the last preceding section of this act to pay and satisfy any such bond or bonds at their maturity, shall have power to provide by taxation for the payment of said bonds and interest thereon and may order and cause to be assessed and collected by tax at the same time and in the same manner that other taxes in such city are assessed and collected, a sum of money sufficient to pay or discharge the principal of said bonds and interest thereon at the several times it shall become due.

4. *And be it enacted*, That this act shall take effect immediately.

Approved April 8, 1887.

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## CHAPTER CXI.

A Further Supplement to an act entitled "An act to limit the age and employment hours of children, minors and women, and to appoint an inspector for the enforcement of the same," approved March fifth, one thousand eight hundred and eighty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section six of the act to which this is a further supplement, be amended so as to read as follows:

6. *And be it enacted*, That all necessary expenses incurred by the inspector of factories and workshops and his deputies, in the discharge of their duty, shall be paid from the funds of the state, upon presentation of proper vouchers of the same by the chief inspector; *provided*, that not more than two thousand dollars shall be expended in any one year. Expenses incurred to be paid by the state. Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 8, 1887.

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## CHAPTER CXII.

**An Act to regulate the hours of labor of employes of surface and elevated railroad companies.**

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That twelve hours' labor, to be performed within twelve consecutive hours, with reasonable time for meals, not less than half an hour for each, shall constitute a day's labor in the operation of all cable, traction and horse-car street surface railroads, and of all cable, traction and steam elevated railroads, owned or operated by corporations incorporated under the laws of this state, for the employes of such corporations in operating such railroads. Twelve hours to constitute a days labor.

2. *And be it enacted*, That it shall be a misdemeanor for any officer or agent of any such corporation to exact from any of such employes more than twelve hours' labor within the twenty-four hours of the natural day, and within twelve consecutive hours therein as in the first section provided; *provided, however*, that in case of accident or unexpected contingency demanding more than the usual service by such corporation to the public, or from such employes to the corporation, extra labor may be permitted and exacted for extra compensation. Misdemeanor for exacting more than twelve hours' labor from employes. Provided.

3. *And be it enacted*, That it is the true intent and purpose of this act to limit the usual hours of labor of the employes of railroad corporations as aforesaid to twelve hours' The intent and purposes of this act, how construed.

actual work a day, to be performed within a period of twelve consecutive hours as aforesaid, whether such employes be employed by the trip or trips, the job, the hour, the day, the week, the month, or in any other manner.

When to take effect,

4. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and this act take effect on the fifteenth day of May next after its passage.

Approved April 8, 1887.

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## CHAPTER CXIII.

A Supplement to an act entitled "An act concerning evidence," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Testimony to be taken by stenographer in presence of judge or commissioner.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where the testimony of a witness *de bene esse* is taken upon notice, pursuant to the thirty-eighth section of the act to which this is a supplement, it shall be lawful for the same to be taken by a stenographer, in presence of the judge or commissioner named in the notice; *provided*, that before the taking of the same the stenographer shall be sworn by the said judge or commissioner to carefully, faithfully and impartially take said evidence and to make a true and correct transcript thereof, which oath shall be in writing and shall be attached to and be a part of the return of the judge or commissioner.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 8, 1887.

## CHAPTER CXIV.

A Supplement to an act entitled "An act establishing legal holidays and regulating the maturity of commercial paper with respect thereto," approved June first, one thousand eight hundred and eighty-six.

Preamble.

WHEREAS, it is fitting that one day in the year be specially dedicated to the wage-workers of the state, which they may regard as peculiarly their own, and as set apart for the observance of labor festivals, and such other reunions as may to them seem proper; therefore,

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act to which this is a supplement be amended so as to read as follows:

Legal holidays.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first day of January, the twenty-second day of February, thirtieth day of May, fourth day of July, first Monday in September (to be known as labor day), thanksgiving day, twenty-fifth day of December, and any day upon which a general election shall be held for members of assembly in each year, and also any day set apart by proclamation of the governor of this state or by the president of the United States, for the purpose of public observance, shall be a legal holiday, and no court shall be held upon said days except in the cases where said court would now sit upon a Sunday, and no person shall be compelled to labor upon any of said days by any person or corporation.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 8, 1887.

## CHAPTER CXV.

An Act to amend an act entitled "An act to authorize the establishment of free public libraries in the cities of this state," passed April first, one thousand eight hundred and eighty-four.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two of the act to which this is an amendment be amended to read as follows:

Vacancies in office of trustees how filled.

2. *And be it enacted*, That vacancies happening in the office of trustee of any public library established under the aforesaid act from any cause except expiration of the term of office, shall be filled in the manner provided in said act for the original appointment of trustees, but for the unexpired term only.

Provisions of act inoperative until assented by legal voters.

3. *And be it enacted*, That the provisions of this act shall remain inoperative in any city in this state until assented to by a majority of the legal voters thereof voting on this act at an election, at which the question of its adoption shall be submitted to vote by direction of the legislative body of such city, either at the time fixed by law for the election of municipal officers or at a special election to be held for that purpose, of the time and place of holding which election the city clerk of said city shall cause public notice to be given by advertisements signed by himself and set up in at least five public places in said city for at least ten days previous to the day of such election and published for the same period in two newspapers of such city; the ballots used at such election shall be printed or written or partly printed or written, and the same may be printed or written on the general ballots used at such election, on which may be either the words "for the adoption for this city of the provisions of an act entitled 'An act to authorize the establishment of free public libraries in the cities of this state,'" or "against the adoption for this city of the provisions of an act entitled 'An act to authorize the establishment of free public libra-

Notice of election to be given.

Form of ballot.

ries in the cities of this state;' " the election officers of said city shall return to the canvassing board of the same a true and correct statement in writing under their hands the result of said election, the same to be entered at large upon the minutes of said body.

4. *And be it enacted*, That this act shall take effect immediately.

Approved April 8, 1887.

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## CHAPTER CXVI.

An Act giving the right of suffrage to all persons, whether male or female, in any school meeting in any school district of the state.

Who entitled to vote at school meetings.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every citizen of the United States of the age of twenty-one who shall have been a resident of this state for one year, and of the county in which he or she claims a vote for five months next before said meeting, shall have the right to vote at any school meeting in any school district of the state wherein they may reside; *provided*, that no person in the military, naval or marine service of the United States, by being stationed in any garrison, barrack or military or naval force or station within the state, and no pauper, idiot, insane person, or person convicted of a crime, which now excludes him or her from being a witness, unless pardoned or restored by law to the right of suffrage, shall enjoy the right to vote in any school meeting.

Proviso.

Approved April 8, 1887.

## CHAPTER CXVII.

An Act to provide for the transfer of insane criminals from the county prison to the state asylum for the insane.

Proceedings in case person confined in county jail, &c., appear to be insane.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person confined in any county jail or penitentiary of this state under sentence of imprisonment shall appear to be insane, the judge of the circuit court of the county in which the prison is situated shall, upon information of the fact from the physician of the prison, institute a careful investigation, call two respectable physicians and other credible witnesses, if necessary; notify the prosecutor of the pleas, whereupon it shall be his duty to aid in the examination and, if he shall think it necessary, call a jury, and for that purpose he is hereby fully empowered to compel the attendance of witnesses and jurymen; and if it be satisfactorily proved that said prisoner is insane, said judge may order his or her safe custody and removal to such one of the state lunatic asylums as may have been legally designated for the reception of the pauper or indigent lunatics of the county within which said county jail or penitentiary is situated, where he or she shall remain at the expense of the state until restored to his or her right mind; and then, if his or her term of imprisonment shall not have expired, the superintendent of the asylum shall inform the said judge and the prosecutor of the pleas of the fact of his or her recovery, whereupon he or she shall be remanded to the prison to serve out the unexpired portion of his or her term of imprisonment.

Prisoner may be removed to lunatic asylum.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 8, 1887.

## CHAPTER CXVIII.

A Supplement to "An act for the punishment of crimes," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Penalty for purchasing, selling, &c., goods and chattels containing words "not to be sold."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person shall purchase, sell, dispose of or traffic in any property, goods or chattels which contain the words "not to be sold," a description of which is filed and registered, according to law, in the offices of the county clerks of this state, without the consent of the owner or owners thereof, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding three hundred dollars or imprisonment at hard labor not exceeding two years, or both.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 8, 1887.

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## CHAPTER CXIX.

Supplement to an act entitled "An Act to provide for the regulation and incorporation of insurance companies," [Revision], approved April ninth, one thousand eight hundred and seventy-five.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act to which this is a supplement, be and the same is hereby amended so that the same shall read as follows:

Foreign insurance companies to file annual statement, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all insurance companies organized under the laws of other states, or foreign governments, and transacting insurance in this state, shall, during the month of January of each year, furnish to the secretary of state, a statement signed and sworn to by their president and secretary specifying the name of the company, where located, the amount of paid up capital and assets, of which they are possessed, showing the manner of investments, whether in bonds, mortgages, real estate, public stocks or other securities, and particularizing the amount of each class of investment; also the amount of income for the year past, the amount of losses for the same time, the amount of claims unpaid, the amount necessary for reinsurance, the whole number of policies issued in this state for the preceding year, the gross amount of cash premiums received therefor, for the same period, the name and residence of each agent in this state and the amount of premiums received by each during the preceding year;

Secretary of state to prepare form of statement.

and it shall be the duty of the secretary of state to prepare a form of statement to be filled up by such insurance companies or associations, establishing agencies or transacting the business of insurance in this state, which shall conform

Proviso.

to the above requirements; *provided, however*, that mutual or assessment accident or casuality companies or associations, incorporated and organized under laws of other states may be admitted to transact in this state the business of ac-

Proviso.

cident insurance solely, *provided* that such companies or associations shall be possessed of and maintain assets invested in securities to be approved by the secretary of this state to the amount of at least fifty thousand dollars.

Approved April 8, 1887.

## CHAPTER CXX.

An Act to authorize police service in townships.

Preamble.

WHEREAS, Trespasses, malicious mischief and like offences are frequently committed in and upon cemeteries, orchards, farms, gardens and like places in this state, and especially in and upon such places in rural localities adjacent to cities, towns and villages in this state; therefore, for the more effectual suppression of said offences, and for the more certain and speedy apprehension of such offenders,

Township committee authorized to appoint police officers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee of any township or townships in this state to appoint one or more suitable and proper persons, residents of such township or townships, to be police officers of such township or townships; *provided, however*, such suitable and proper persons will accept such office and perform the duties thereof free of any fee, compensation or reward.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 9, 1887.

## CHAPTER CXXI.

An Act to amend "A supplement to an act entitled 'An act concerning executors and the administration of intestates' estates'" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, which supplement was approved February nineteenth, one thousand eight hundred and seventy-nine.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the supplement mentioned in the title of this act be and the same is hereby amended so that the same shall read as follows:

Executors or administrators may prosecute actions in any court.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any executor or administrator, by virtue of letters obtained in another state, may prosecute any action or sue out execution upon any judgment or decree in any court of this state, as if his letters had been granted in this state; *provided*, that such executor or administrator shall first file in the office of the clerk of the court in which he is about to proceed an exemplified copy of his letters; *provided, also*, that security for costs may be required from such executor or administrator as if he were a non-resident of this state.

Proviso.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 9, 1887.

## CHAPTER CXXII.

A Further Supplement to an act entitled "An act for the more easy partition of lands held by copartners, joint tenants and tenants in common" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Master making sale authorized to pay one-third of net proceeds of sale

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all partition cases in the court of chancery where inchoate estates of dower in any lands are ordered to be sold therewith, instead of investing one-third of the net proceeds of the sale of the share or shares in such lands subject to such dower, as now directed by law, it shall be lawful for the master or other officer making such sale, on executing to him a full release and discharge, duly acknowledged according to law, from the tenant in fee and his wife entitled to such inchoate right of dower, to pay to them the one-third of the net proceeds aforesaid; *provided, however*, that where the share or interest of the tenant in fee has been sold by judgment or otherwise, or become subject to any valid lien, then such payment shall not be made without all such parties in interest shall join in such release and discharge.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 9, 1887.

## CHAPTER CXXIII.

Supplement to an act entitled "An act concerning corporations" [Revision], approved April seventh, one thousand eight hundred and seventy-five.

Proceedings in case original certificate is defective by reason of omission of matters required by law.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the original certificate of incorporation filed by any association, under any general law of this state for the formation of incorporated companies is defective by reason of the omission of any matter required by law to be therein stated, or by reason of the object or objects therein expressed, in whole or part, being for a purpose or purposes not contemplated or recited in such general law in existence at the time of filing such original certificate, it shall be lawful for all the stockholders of such association, or the legal representatives of any deceased stockholders, to make a certificate under their hands and seals, acknowledged or proved as required for deeds of real estate, setting forth a copy of the original certificate, the time and place of recording and filing the same, and reciting the omission or defective objects of incorporation as expressed in said original certificate, and supplying such omission or the true object desired by such association for the purpose or purposes of such incorporation; the same to be of the nature or character authorized by the act to which this act is a supplement, and the supplements thereto and acts amendatory thereof; which said association, upon causing said certificate to be recorded in the office of the clerk of the county where the original certificate was recorded, which said certificate the clerk is hereby authorized to record, and file in the office of the secretary of state, shall be deemed and taken to be and to have been a legal corporation for the objects stated in said certificate, to be recorded and filed from the time of filing such original certificate; *provided, however*, that this act shall not in any manner affect any proceedings pending in any court.

Amended certificate to be recorded and filed.

Proviso.

2. *And be it enacted*, That it shall be lawful for the secretary of state to file such certificate in his office; *provided*, said association has paid or does pay to him for the use of the state the sum of money required to be paid upon filing amended certificates of incorporation in his office. Secretary of state to file certificate. Proviso.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 9, 1887.

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## CHAPTER CXXIV.

An Act to amend section ninety-nine of an act entitled "An act concerning corporations" [Revision], approved April seventh, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section ninety-nine of the act recited in the title hereof shall be amended so as to read as follows: Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for foreign corporations to acquire, hold, mortgage, lease and convey such real estate in this state as may be necessary for the purpose of carrying on the business of such corporations in this state, or such as they may acquire by way of mortgage or otherwise in the payment of debts due to said foreign corporation; and foreign corporations having charter authority to engage in the business of acquiring, holding, mortgaging, leasing and conveying real estate are hereby authorized to pursue the conduct of such business in this state, and to that end to acquire, hold, mortgage, lease and convey real estate in this state; and any conveyances or mortgages to or by such foreign corporations of lands in this state heretofore made, are hereby declared to be good and valid in this state, both in law and equity. Foreign corporation may acquire, hold and convey lands, &c.

Approved April 11, 1887.

## CHAPTER CXXV.

A Further Supplement to an act entitled "An act concerning the sale of railroads, canals, turnpikes, bridges and plank roads," approved March twenty-fifth, one thousand eight hundred and seventy-five.

Purchasers constituted body politic and corporate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any railroad, canal, turnpike, bridge or plank road of any corporation created by or under any law of this state, or by any concurrent, joint or consenting legislation of this state, and any other adjoining state, shall be or has been sold and conveyed, under and by virtue of any process or decree of any court of this state or the United States, or by any other lawful authority, the person or persons for or on whose account such railroad, canal, turnpike, bridge or plank road may be or has been purchased, and the person or persons in whom title in the same is vested by mesne conveyances and assignments by such purchasers or their vendees, shall be and are hereby constituted a body politic and corporate, and are and shall be vested with all the right, title, interest, property, possession, claim and demand in law and equity, of, in and to such railroad, canal, turnpike, bridge or plank road with its appurtenances, with all the rights, powers, immunities, privileges and franchises of the said corporation which may have been granted to or conferred thereupon by statute or statutes, in force at the time of such original sale and conveyance, and subject to all the restrictions imposed upon such corporation by any such act or acts, except so far as the same are modified hereby, but the provisions of this act shall, notwithstanding anything herein contained to the contrary, extend and apply to any case in which such railroad, canal, turnpike, bridge or plank road of any such corporation has been sold and conveyed as aforesaid before the passage of this act.

Vested with rights, title, powers, &c.

Purchasers may call meeting.

2. *And be it enacted*, That the person or persons for or on whose account any such railroad, canal, turnpike, bridge or plank road may have been or shall be purchased, or the persons holding title to the same by mesne conveyances from such purchasers, or a majority of such persons or vendees may call a meeting of such person or persons, or vendees, at such time and place as a majority in interest of them may in writing appoint for that purpose, giving public notice of the time and place of such meeting, at least once a week for two weeks, in at least one newspaper published in each of the counties in and through which the said railroad, canal, turnpike, bridge or plank road may run, and at the time and place so appointed, such majority may organize said new corporation by electing a president and board of six directors, to continue in office for one year succeeding such meeting, and anually thereafter, on the same day of the month, a like election for president and six directors shall be held to serve for one year; and at such meeting the said majority shall adopt a corporate name and corporate seal, determine the amount of the capital stock thereof, and shall have power and authority to make and issue certificates therefor to the persons in interest, to the amount of their respective interests therein, in shares of fifty dollars each.

Notice of meeting to be published.

May organize a new corporation, elect officers and determine amount of capital stock, &c

May issue preferred stock and bonds, &c.

3. *And be it enacted*, That the said corporation may then or any time thereafter, create and issue preferred stock to such an amount, and at such times as they may deem necessary, and from time to time issue bonds at a rate of interest not exceeding six per centum per annum, to any amount not exceeding their capital stocks and secure the same by a mortgage of the property, rights, powers, privileges and franchises of the said corporation.

Certificate to be filed in the office of secretary of state.

4. *And be it enacted*, That it shall be the duty of such new corporation, within one month after its organization, to make a certificate thereof under its common seal, attested by the signature of its president, specifying the date of such organization, the name so adopted, the amount of capital stock, and the name and residence of its president and directors, and transmit the said certificate to the secretary of state at Trenton, to be filed in his office and there remain of record, and a certified copy of such certificate so filed shall be evidence of the corporate existence of said new

Proviso. corporation; *provided*, that nothing in this act shall divest or impair the lien or encumbrance of any prior mortgage or other encumbrance upon the property or franchises conveyed under the original sale of said property or franchises, when by the terms of the process or decree under which the sale has been made, or by operation of law the said sale is made subject to the lien of any such prior mortgage or other encumbrance, or divest or impair any prior mortgage or other encumbrance thereon created by the vendees of the purchasers at such sale or those holding under them by mesne conveyances.

5. *And be it enacted*, That this act shall take effect immediately.

Approved April 11, 1887.

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## CHAPTER CXXVI.

A Supplement to an act entitled "An act to prevent the adulteration of food or drugs," approved March twenty-fifth, one thousand eight hundred and eighty-one.

Duty of dairy commissioner. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the state dairy commissioner is hereby directed and empowered to aid in the enforcement of the provisions of the act to which this is a supplement; and said commissioner and his assistants duly commissioned shall be and are hereby made inspectors under the act to which this act is a supplement; the expense of enforcing said act shall be paid out of the appropriation already made for the use of said dairy commissioner for the enforcement of the act of March twenty-second, one thousand eight hundred and eighty-six, entitled "An act to prevent deception in the sale of oleomargarine, butterine or any imitation of dairy products, and to preserve the public health."

Expenses of enforcing act, how paid.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 11, 1887.

## CHAPTER CXXVII.

A Supplement to an act entitled "An act concerning judgments," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Clerk of court to enter satisfaction upon record of judgments or decrees.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any execution is-sued on any judgment or decree which may be a lien on real estate shall have been returned to the court out of which such execution issued by the sheriff of any county to whom such execution was directed, fully paid and satisfied, it shall be the duty of the clerk of the court out of which such execution issued and in whose office the same is on file, to enter an acknowledgment of satisfaction upon the record of any such judgment or decree, on the request of any party who shall produce to the said clerk proof that he is interested in any real estate which might be affected by any such judgment or decree, for which the clerk shall be entitled to receive twenty-five cents, to be paid by the party making such request.

Approved April 11, 1887.

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## CHAPTER CXXVIII.

An Act concerning fees of certain officers in cities of this state.

Fees of collector and treasurer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities where no salary is provided, by charter, for the collector and treasurer of the city or the wards thereof, such collector and treasurer shall

receive the fees provided by law for township collectors;
Proviso. *provided, however,* that in cities where the treasurer of the board of education disburses school funds upon the order of the board of education, said city collector or treasurer shall not receive the fees now or hereafter allowed by law for disbursing said school funds.

2. *And be it enacted,* That this act shall take effect immediately.

Approved April 11, 1887.

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## CHAPTER CXXIX.

Supplement to an act entitled "Supplement to an act entitled 'An act relative to the office of the secretary of state and register of the prerogative court,'" which supplement was approved April fourth, one thousand eight hundred and seventy-three.

Salary of assistant secretary of state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That from and after the passage of this act the assistant secretary of state shall receive for his services a salary at the rate of three thousand dollars per annum, to be paid out of the treasury of this state upon the warrant of the comptroller.

2. *And be it enacted,* That this act shall take effect immediately.

Approved April 13, 1887.

## CHAPTER CXXX.

A Further Supplement to an act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six.

Moneys and property held, invested or deposited in court of chancery subject to taxation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all moneys now on deposit or hereafter deposited in the court of chancery, which are or shall be invested upon any security, and all moneys that are or shall be deposited therein and which shall have remained uninvested for the period of six months from the date of the deposit thereof, and all real and personal estate now held or that shall hereafter be held by the said court or any officer or appointee thereof, or by the chancellor in his official capacity, belonging to any individual, partnership or corporation, or in which any individual, partnership or corporation has or may have the beneficial interest, shall be subject to taxation at the full and actual value thereof as other money and real and personal estate is or may be taxed according to the laws of this state.

Persons and corporations owning or having interest in such money and property to be assessed.

2. *And be it enacted*, That all boards and officers charged with the duty of assessing persons or property for taxation shall assess all persons and corporations owning or having the beneficial interest in such money or other personal property or estate, and residing or located in the respective cities, towns and other taxing districts of this state, for and on account of such money and other personal property or estate at and according to the respective interests therein of such persons and corporations; and in all cases where the owners or parties having the beneficial interest in such money or other personal property or estate are non-residents of this state, the taxes thereon or on account thereof shall be assessed and paid in the city, town or other taxing district where the same is held or deposited at the time when assessments for taxation are made.

Real estate held by chancellor to be assessed in the several cities, towns, &c.

3. *And be it enacted*, That all real estate that now is or may be hereafter held by the chancellor in his official capacity in which any individual or corporation has or may have the beneficial interest, shall be assessed for taxation in the several cities, towns and taxing districts of this state as other real estate is or may be assessed therein.

Taxes assessed to remain a claim and lien against persons and corporations.

4. *And be it enacted*, That all taxes assessed in pursuance of this supplement shall be and remain a claim against the persons and corporations owning or having the beneficial interest in the property against and on account of which the same shall be assessed, and also the same lien as other taxes assessed on or on account of similar property are or shall be in the respective cities, towns and other taxing districts of this state wherein the said property shall be assessed; and in addition to the remedies for the collection of taxes, for the time being, it shall be lawful for all boards and officers for collecting taxes to apply to the chancellor by petition for the payment of the taxes assessed upon or on account of such property with interest and costs, and upon such petition it shall be lawful for the chancellor to order the payment of such taxes, interest and costs out of the interest or income of the said money or real or personal property or estate, and if the interest or income thereof is not sufficient to make the payment, then the same shall be paid out of the principal of the money so deposited, and the whole or such part of said other personal or real property or estate as may be necessary to raise the amount of the taxes, interest and costs shall be sold by direction of the chancellor; and in case of the sale of any real estate for the purpose aforesaid the title conveyed thereby shall be in fee simple.

Taxes how collected.

Chancellor may order payment of taxes, interest and costs.

Act how construed.

5. *And be it enacted*, That nothing herein shall be construed to authorize or permit taxation of or for such property more than once in each year; and this act shall not apply to mortgages or debts secured thereby that shall be assessed for taxation in pursuance of an act entitled "A supplement to an act entitled 'An act concerning taxes,'" approved April fourteenth, one thousand eight hundred and forty-six, which supplement was approved March seventeenth, one thousand eight hundred and eighty-two.

Act not to apply to mortgages or debts.

Chancellor to make and enforce rules and orders.

6. *And be it enacted*, That it shall be lawful for the chancellor to make and enforce appropriate rules and orders for

carrying out the provisions of this act; and that all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and this act shall take effect immediately.

Approved April 13, 1887.

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## CHAPTER CXXXI.

An Act to amend an act entitled "A supplement to an act entitled 'An act to provide for the organization of the New Jersey Home for Disabled Soldiers,'" approved April fourth, one thousand eight hundred and sixty-six, which supplement was approved March twenty-sixth, one thousand eight hundred and eighty-six.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two of the act to which this is a supplement be and the same is hereby amended to read as follows:

Appropriation.

2. *And be it enacted*, That there shall be and is hereby appropriated out of the money in the treasury of this state not otherwise appropriated, one hundred and twenty-five thousand dollars, or so much thereof as may be necessary for the purpose aforesaid, to be drawn on the warrant of the comptroller of the state, upon the order, in writing, of said commission or their successors.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 14, 1887.

## CHAPTER CXXXII.

An Act relative to the Trenton battle monument.

Preamble. WHEREAS, "The Trenton Battle Monument Association," a corporation under the laws of this state, has acquired title to a tract of land in the city of Trenton and state of New Jersey, at the point where the guns of the American army opened fire on the enemy at the battle of Trenton, on the twenty-sixth day of December, anno domini one thousand seven hundred and seventy-six; *and whereas*, the said association has received and is receiving, from week to week, subscriptions to be expended in the erection of a monument to commemorate that battle; *and whereas*, the association may not receive a sum of money sufficient to erect a monument of such size and finish as is demanded by the importance of the historic event it is designed to commemorate; *and whereas*, it is proper for the state to aid her patriotic citizens in constructing monuments on her revolutionary battle-fields, and she has already shown her willingness to do so where the battle is one in which General Washington commanded in person; therefore,

Appropriation. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That out of the moneys of the treasury of this state there be hereby appropriated the sum of fifteen thousand dollars to be paid toward the erection of a monument on the tract of land referred to; *provided*, the design of said monument shall be submitted to and receive the approval of the governor of the state; *provided, further*, that at least fifteen thousand dollars shall first be raised by said association by private contributions; *provided, further*, that the land upon which said monument is intended to be erected shall be first conveyed by the association to the state of New Jersey by such conveyance as may be approved by the governor and attorney-general.

Proviso.

Proviso

Proviso.

Appropriation how paid. 2. *And be it enacted*, That the treasurer of this state shall, on the warrant of the Comptroller, pay to the treasurer of

said association the moneys hereby appropriated in two equal payments, one payment on or after the first day of July, anno domini one thousand eight hundred and eighty-seven, and the second payment on or after the first day of March, anno domini one thousand eight hundred and eighty-eight; *provided*, the treasurer of said association shall prove to the comptroller of the state that he has expended or has on hand an amount of funds equal to the payments called for from the state at the dates just specified. Proviso.

3. *And be it enacted*, That this act shall take effect immediathly.

Approved April 14, 1887.

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## CHAPTER CXXXIII.

### An Act concerning executors.

Executors authorized to carry into effect agreements for purchase of lands, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any executor or executors of any last will and testament to whom letters testamentary have heretofore been granted, to carry into effect the terms and conditions of any agreement for the purchase or sale of any lands, tenements, hereditaments and real estate made and entered into by the testator or testatrix; and any subsequent agreement made and entered into by the executor or executors in relation thereto shall be as binding and effectual on all parties as if made by the testator or testatrix; and it shall be lawful for the said executor or executors to take title to the lands, tenements, hereditaments and real estate in said agreement named, at such times and upon such terms and conditions as he or they shall deem for the best interest of the estate, although by the provisions of the said last will and testament there is given no power to the executor or executors to receive and take title to lands, tenements, hereditaments and real estate.

Executors to take title, &c.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 14, 1887.

## CHAPTER CXXXIV.

An Act to enable cities in this state to furnish suitable accommodations for the transaction of public business and an armory for the use of the national guard of the state therein organized.

Cities authorized to erect buildings and to purchase lands.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city in the state in which there are not buildings the property of the city, suitable and sufficient to accommodate the different officers and departments of the municipal government, the mayor and board of aldermen of such city are hereby authorized to erect such buildings upon property now owned by such city, or to purchase other lands on which to erect such buildings for a city hall, armory, police headquarters and city prison as hereinafter provided.

May appoint commissioners to select sites and to purchase and condemn lands, &c.

2. *And be it enacted*, That for the purposes of this act the mayor of any such city shall appoint, with the concurrence of the board having charge of the finances of said city, three commissioners, no more than a majority of whom shall be members of the same political party, who shall be residents in said city and who shall give a bond for the proper performance of their duty in the penal sum of ten thousand dollars, and shall serve during the pleasure of the appointing power and until others are appointed in their places, unless removed for cause by the mayor with the approval of the board having charge of the finances of said city, who shall have power to select lands suitable for a site or sites for said public buildings, and if the lands selected shall be upon ground the whole or any part of which does not already belong to said city, such commissioners shall have power to purchase, acquire or condemn the property, with the concurrence of the board having charge of the finances of said city, in the name of the mayor and aldermen of said city, and to have plans and specifications pre-

Commissioners to give bonds, &c.

pared, and to erect on such property such buildings as they may deem suitable for the purposes of this act.

Commissioners authorized to sell public buildings, &c.

3. *And be it enacted*, That for the purposes of this act the commissioners herein authorized shall have power to sell at public auction, after due advertisement for at least two weeks in the official papers of any such city, such public buildings therein, with the ground whereon the same may stand or connected therewith, the property of such city, as such commissioners and any public board of such city government having charge of such ground or buildings shall determine may safely be spared or not needed for public use, and the mayor and aldermen shall, in case of such sale, give a good and sufficient title therefor, or such title as the city may possess, and with the proceeds of such sale or sales the commissioners herein authorized shall erect the buildings and purchase the lands, as authorized by the second section of this act, for the accommodation of the officers of the city government, police headquarters and city prison and of such regiment of the national guard of this state as may be organized in said city.

City to give title.

Proceeds of sale how applied.

Organization of commission.

4. *And be it enacted*, That said commissioners shall organize by the selection of one of their number as chairman, and that all moneys for the sale of property as herein authorized shall be paid directly into the city treasury and kept apart for the purposes of this act, and all payments made for the purposes of this act for the purchase of property or labor and materials furnished shall be upon orders or certificates of said commissioners, signed by their chairman, and the acts of a majority of said commissioners shall be the acts of the commissioners as herein authorized, and said commissioners shall receive as full compensation for their services one hundred dollars per month each for the time they serve, and the chairman shall receive twenty-five dollars per month in addition thereto.

Moneys realized from sale to whom paid, &c.

Payments for purchase of property, &c., how made.

Compensation of commissioners.

Money necessary over amount realized by sales to be raised by the issue of bonds.

5. *And be it enacted*, That for the purposes of this act such sum of money as may be necessary over and above the amount realized by any sales as herein authorized shall be furnished and provided by the board or authority having control of the finances of such city in such city, by the issue of bonds of said city, bearing interest at the rate of not exceeding six per centum per annum, to be sold at not less than the par value thereof, and said bonds shall be

paid by taxation in not exceeding thirty years from their date of issue; *provided*, that the whole expenditure for the purchase of ground and erection of buildings thereon and all purposes of this act, including the amounts realized from any sale or sales as herein authorized, shall not exceed the sum of two hundred thousand dollars.

Proviso.

Act repealed recited.

6. *And be it enacted*, That the act entitled "An act to enable cities of this state to furnish better accommodations for their officers and municipal boards, as well as the national guard of the state therein organized," approved March twenty-fifth, one thousand eight hundred and eighty four, and all other acts or parts of acts inconsistent with this act are hereby repealed.

7. *And be it enacted*, That this act shall take effect immediately.

Approved April 15, 1887.

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## CHAPTER CXXXV.

An Act to enable cities to purchase lands, erect, furnish and fit up a building or buildings for public school purposes.

Cities authorized to borrow money for purchase of land and erect school buildings.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council or other legislative body of any city of this state shall have power to borrow any sum or sums of money, not exceeding in the aggregate the sum of thirty thousand dollars, to be used for the purchase of land and the erection, furnishing and fitting up of a building or buildings for public school purposes in said city; and that the said common council or other legislative body of said city may secure the repayment of the said sum or sums so borrowed, together with interest thereon at a rate not to exceed five per centum per annum, in such manner and upon such terms as to the said common council or other legislative body may seem proper, by the issuing of bonds in the corporate name of said city, to be signed by the mayor or other chief executive officer

May issue bonds.

of said city and countersigned by the city clerk or other person performing the duties of recording officer for the said common council or other legislative body, as the case may be, and sealed with the common seal of said city; *provided*, that in cities having a board of education or other board having control of the public schools than the common council, the purchase of land, erection, furnishing and fitting up of a school house or school houses with the money so borrowed shall be made in the same manner as heretofore provided by law for the city borrowing money by virtue of this act. Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 20, 1887.

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## CHAPTER CXXXVI.

An Act to provide for the indexing of deeds, mortgages, wills and other instruments required or authorized by law to be recorded.

BE IT ENACTED *be the Senate and General Assemblu of the State of New Jersey*, That in the recording of deeds, mortgages, wills or other instruments required or authorized by law to be recorded, the clerk, register, surrogate or other officer whose duty it is to make the record shall, in addition to the indices thereof now made and kept by him, make and keep such classified analytical or combination index as the board of chosen freeholders of the respective counties shall determine, in index books to be provided for that purpose by the said board of chosen freeholders, and shall enter therein according to the classification thereof an index of all the names now required to be indexed in the alphabetical indices of their respective offices. Analytical or combination index to be made and kept.

2. *And be it enacted*, That in each county of this state having within its territorial limits a population exceeding one hundred and fifty thousand inhabitants, for said services Fee for each name indexed.

such clerk, register, surrogate or other officer shall receive the sum of three cents for each name so indexed, to be paid by the person offering the said deed, mortgage, will or other papers for record.

3. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and are hereby repealed and that this act shall take effect immediately.

Approved April 21, 1887.

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## CHAPTER CXXXVII.

An Act to defray the expenses of caring for the state geological museum and other property of the state while at the New Orleans exposition, and of returning it to Trenton.

Expenses incurred, how paid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of defraying the expenses incurred under the direction of the commissioner appointed to represent this state at the late New Orleans exposition in caring for the property of the state geological museum and other property of the state while at the New Orleans exposition, and in returning the same to Trenton, the comptroller is hereby authorized to draw his warrant upon the treasurer to pay such expenses upon vouchers presented by the commissioner to be approved by the governor and the comptroller; *provided*, that the total expenditure shall not exceed the sum of fifteen hundred dollars.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 21, 1887.

## CHAPTER CXXXVIII

A Supplement to an act entitled "An Act to fix the minimum of salary of the prosecutors of the pleas in the counties of the third class in this state," approved April twentieth, one thousand eight hundred and eighty-five.

Annual salary of prosecutors of the pleas in counties of the third class.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all counties of the third class in this state, in which the prosecutors of the pleas now receive an annual salary, each of the prosecutors of the pleas of such counties shall receive an annual salary of at least one thousand dollars, to be paid to him in quarterly annual payments by the county collector of such county.

Act how applied.

2. *And be it enacted*, That this act shall only apply to those prosecutors of the pleas whose term of office shall hereafter commence, or to either of those now in office whose term does not expire during the present year, who may file their assent in writing, under their hands, to the provisions of this act, in the office of the clerk of the county of which he is such prosecutor; *provided, however*, that nothing in this act contained shall in any wise be construed or held as reducing the salary of any of the prosecutors of the pleas in any of the counties of the third class in this state.

Proviso.

3. *And be it enacted*, That this act shall be a public act, and shall take effect immediately.

Approved April 21, 1887.

## CHAPTER CXXXIX.

An Act respecting hospitals and to provide for their aid in certain cases.

Annual appropriation for maintaining public hospitals, how increased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where the annual appropriation now made or hereafter to be made for supporting and maintaining the public hospitals in cities has already been expended, or shall hereafter become expended before the end of the fiscal year for which said appropriation is made, or where such annual appropriation is or may become insufficient and inadequate for properly supporting and maintaining such public hospitals, it shall be lawful for the board of finance and taxation or any other municipal board or authority having the control and management of the finances of any such city to increase said annual appropriation at any time during the fiscal year for which the same was made, in such an amount as said board may deem reasonably necessary for said purpose; *provided*, that such additional appropriation shall not in any one year exceed the sum of two thousand dollars.

Proviso.

Cities authorized to borrow amount of money appropriated in anticipation of taxes and to issue evidences of indebtedness.

2. *And be it enacted*, That the said board of finance and taxation or other board having the control and management of the finances of such city is hereby authorized to borrow the amount of money which the said board may by this act appropriate as aforesaid, in anticipation of taxes next thereafter to be levied, and to issue proper evidences of indebtedness therefor, to be signed by the mayor, properly sealed with the corporate seal and attested by the clerk; and the said board borrowing such money shall provide for the repayment of the same by putting said amount in the tax levy to be made then next thereafter.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 21, 1887.

## CHAPTER CXL.

An Act amending "An act in relation to the improvement and maintenance of certain roads," approved March third, one thousand eight hundred and eighty-two.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act of which this is amendatory, and which is in the words following:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any county in this state where the custody, rule, keeping and charge of the jail of such county, and of the prisoners in such jail, has been heretofore or shall be hereafter assumed by the board of chosen freeholders of such county according to law, it shall be lawful for such board to improve and keep in repair any road, or part thereof, in such county, the title to which has become vested in such board, and to put and keep at work thereon such prisoners detained in the county jail as may be lawfully required to work at hard labor; which prisoners may be taken from and returned to the custody of the warden or keeper of the county jail each day, under such rules and regulations as the said board may from time to time prescribe, and by such person or persons as the said board may employ for that purpose, and an escape from such person or persons shall be deemed an escape from jail; the said board may employ such agents and provide such implements as may be needed for carrying into effect the provisions of this act; *provided*, that the entire expense incurred hereunder in any one year shall not exceed one-fortieth of one per centum of the taxable valuation of such county for the next preceding year, which expenditure may be in excess of any limit heretofore fixed by law for the annual expenditures for account of "public works" by any such board; *and provided further*, that all such expenses for men employed in the care and oversight of such prisoners while working upon any such road or roads shall be paid

on demand to the board of chosen freeholders by any township or by any city using the labor of the prisoners under the provisions of this act," be and the same is hereby amended to be and to read as follows:

Board of freeholders authorized to work prisoners on public roads.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any county in this state, where the custody, rule, keeping and charge of the jail of such county and of the prisoners in such jail has been heretofore or shall be hereafter assumed by the board of chosen freeholders of such county according to law, it shall be lawful for such board to improve and keep in repair any road formerly a toll-road in such county, and which has or shall have become the property of the public, and to put and keep at work thereon such prisoners detained in the county jail as may be lawfully required to work at hard labor; which prisoners may be each taken from and returned to the custody of the warden or keeper of the county jail appointed by such board, and under such rules and regulations as the said board may from time to time prescribe, and by such person or persons as the said board may employ for that purpose, and an escape from such person or persons shall be deemed an escape from jail; the said board may employ such agents and provide such implements as may be needed for carrying into effect the provisions of this act; *provided*, that the entire expense incurred hereunder in any one year shall not exceed one-twentieth of one per centum of the taxable valuation of such county for the next preceding year, which expenditure may be in excess of any limit heretofore fixed by law for the annual expenditures for account of "public works" by any such board.

Proviso.

Freeholders to improve and keep in repair new lines or new roads laid out, &c.

2. *And be it enacted*, That where the line of any such former toll-road has been changed, or a portion thereof abandoned and a new road laid out, opened and worked to connect the portions thereof still in public use, it shall be lawful for the board of chosen freeholders as aforesaid, to improve and keep in repair in the manner aforesaid such new line or such new road connecting the portions of such former toll-road still in public use.

Approved April 21, 1887.

## CHAPTER CXLI.

A supplement to an act entitled "An act concerning idiots and lunatics" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section fourteen of the act entitled "An act concerning idiots and lunatics" [Revision], approved March tenth, one thousand eight hundred and seventy-four, be amended so as to read as follows:

Order may be made to turn over proceeds of sale or property to non-resident guardians.

14. *And be it enacted*, That whenever any such sale shall have been made by order of the chancellor as aforesaid, or whenever any idiot or lunatic shall be entitled to property of any description in this state, and such idiot or lunatic shall be a non-resident, and shall have a guardian in the state or place of his or her residence, and such non-resident guardian shall produce an exemplification from under the seal of the office (if there be a seal) of the court in the state or place of his residence, containing all the entries on record in relation to his appointment and giving bond, or of appointment only, when the said non-resident guardian is a corporation duly qualified to act as guardian without giving bonds, and authenticated as required by the act of congress in such cases, the chancellor, or the ordinary, or orphans' court of the proper county in this state may cause suitable orders to be made, authorizing the delivering and passing over the proceeds of any such sale, or any property in this state to which such idiot or lunatic may be entitled, to such non-resident guardian, and discharging any resident guardian, executor, administrator or trustee, and requiring receipts to be passed and recorded if deemed advisable; *provided*, that thirty days' notice shall be given to the resident guardian, executor, administrator or trustee of the intended application for the order of removal, unless it shall appear to the court that such notice has been waived, or that the application is made by the resident guardian,

Proviso.

and the court may reject the application and refuse such order whenever it is satisfied that it is for the interest of such idiot or lunatic that such removal shall not take place.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 21, 1887.

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## CHAPTER CXLII.

A Supplement to an act entitled "An act for the organization of the national guard of the state of New Jersey" [Revision], approved March ninth, one thousand eight hundred and sixty-nine.

Buildings, &c., exempt from taxation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any building and real estate and personal property designed solely for the use of any regiment or battalion of the national guard for military purposes and used solely for such purposes shall be exempt from taxation, whether the same be owned by said regiment or battalion or by a corporation [formed] by the members and supporters of such regiment or battalion.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 21, 1887.

## CHAPTER CXLIII.

A Supplement to an act entitled "An act respecting the court of chancery" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Court may order sum in gross to be paid out of proceeds of sale.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if upon the foreclosure of any mortgage heretofore or hereafter given and the sale of the premises therein described, there shall be paid into court any moneys representing an estate in dower or by the courtesy in said premises or any part thereof, any person entitled to such dower or estate may make application to the court for the sum in gross in lieu of the estate aforesaid, and the court shall direct the payment of such sum in gross out of the proceeds of the sale of the premises to the person entitled to such estate, as shall be deemed a just and reasonable satisfaction for such estate or interest, and which the person so entitled shall consent in writing to accept in lieu thereof; but in case no such consent be given before the distribution of the proceeds thereof, then the court shall ascertain and determine what proportion of such proceeds will be a just and reasonable sum to be invested for the benefit of the person entitled to such estate in dower or by the courtesy, and shall order the same to be put at interest on sufficient security of real property or invested in public stock or deposited in some safe and reliable savings institution by order and under the direction and control of said court for the benefit of the parties entitled, and the interest thereon to be paid to them as the same may become due as a compensation for and in lieu of the said estate in dower or by the courtesy, and at the decease of the person entitled to the same the principal sum shall be paid to or distributed among the parties entitled thereto.

In case no consent is given court to ascertain and determine sum to be invested to person entitled to dower, &c.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 21, 1887.

## CHAPTER CXLIV.

An Act to amend section one of the act entitled "Supplement to an act entitled 'An act for the settlement and relief of the poor,'" approved March twenty-seventh, one thousand eight hundred and seventy-four, which supplement was approved April sixth, one thousand eight hundred and eighty-six.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act of which this act is amendatory, be and the same is hereby amended to read as follows:

Legal settlement defined

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person or persons who have or who shall have last resided in any township of this state for the period of ten consecutive years shall be considered as legally settled in said township.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 21, 1887.

## CHAPTER CXLV.

An Act to authorize certain municipalities to lay out, open, extend, alter and work streets and highways, and to provide for the payment of the expense thereof.

Municipalities authorized by ordinance to lay out, open, extend and widen streets &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey.* That the council or other governing body of any borough in this state not possessing authority by law to lay out, open, extend, alter, widen or straighten streets and highways therein, and assess the costs and damages of such laying out, opening, extending, altering, widening or straightening of such street or highway upon the property benefited thereby, shall have power by ordinance to lay out, open, extend, alter, widen or straighten the streets and highways therein, or any part thereof, upon written application of the person or persons owning two-thirds of the frontage of the property lying on said street or highway, and for this purpose may treat with the owner or owners of real estate to be taken for this purpose, and pay for the same such compensation as may be deemed just and right; and if the governing body of such municipality shall be unable to agree with the owner or owners of the required lands, or if by reason of the legal incapacity or the absence of such owners no agreement can be made with them, then commissioners appointed as hereinafter provided shall estimate the damages such owners will sustain.

Damages and costs to be assessed by commissioners.

2. *And be it enacted*, That the damages and costs of such laying out, opening, extending, altering, widening or straightening of such street or highway shall be assessed by three disinterested freeholders, to be appointed by the council or other governing body, fairly, legally and equitably, upon the owners of the property benefited thereby, in such proportion and to such extent as the commissioners may deem such lands to be so benefited; *provided*, that nothing in this section contained shall apply to any street or highway

Proviso.

where proceedings are now in progress for laying out, opening, extending or altering such street or highway.

Notice of meeting to be published to consider commissioners' report

3. *And be it enacted*, That the governing body of such municipality shall give two weeks' notice, in one or more newspapers published in the borough, or by handbills posted in five conspicuous places therein, of a meeting at which the report of the commissioners will be considered; and at such meeting, and at adjourned meetings held without notice, shall hear and determine all objections to said report by parties interested therein; they may add to any assessment with consent of the person so assessed, and may confirm the report of the commissioners, and carry out the proposed street opening or alteration, and direct the costs and expenses in excess of the assessment to be paid out of any appropriation for the making and repairing of streets, if in their judgment the best interests of the municipality will be subserved thereby, unless such costs and expenses shall be more than double the assessment for benefits; and in anticipation of the collection of the assessments may make payment for the lands so taken with any available funds appropriated for street purposes.

To hear and determine all objections

Report may be confirmed, &c.

Clerk to record report if confirmed.

4. *And be it enacted*, That upon such confirmation of the award of the commissioners the clerk of the council or other governing body shall enter the same in their minutes, and the same shall be final and conclusive upon all parties affected thereby; and such assessment shall be a first and paramount lien upon said lands until the same shall be paid, notwithstanding any devise, descent, alienation, mortgage or other incumbrance thereon, or any mistake in the names of the owners thereof; the clerk shall furnish a copy of the assessment to the collector of taxes for the said borough, who shall collect the assessments in the same manner and under the same penalties as taxes for other purposes are collected; *provided*, that an appeal from the decision of the commissioners on the part of any person whose land is taken under the provisions of this act, shall be authorized to the next term of the circuit court of the county in which the land lies, which court shall have full power to hear and determine the same, the costs of such appeal to abide the order of the court.

Assessments to be and remain a lien upon lands.

Duty of clerk and collector of taxes.

Proviso.

5. *And be it enacted*, That the council or other governing body of such municipality may, by ordinance, direct the streets and highways therein to be graded, guttered, graveled, macadamized or otherwise worked, and for this purpose may raise by tax such sums annually as in their judgment will be required; reserving on either side of such street or highway an equal portion thereof for sidewalks; *provided*, that this section shall not be construed to alter or waive any limitation of indebtedness or of the rate of taxation now binding upon such municipality. May direct streets and highways to be graded, graveled, &c. Proviso.

6. *And be it enacted*, That all acts, general or special, inconsistent herewith be and the same are hereby repealed, and that this act take effect immediately. Repealer.

Approved April 21, 1887.

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## CHAPTER CXLVI.

A Supplement to an act entitled "An act exempting from taxation persons who served in the military or naval forces of the United States during the late war," approved February twenty-first, one thousand eight hundred and eighty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter a poll tax for school purposes shall not be assessed upon any person who served in the military or naval forces of the United States during the late war and who received an honorable discharge. Poll tax for school purposes not to be assessed on soldiers or sailors.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved April 21, 1887.

## CHAPTER CXLVII.

A Supplement to an act entitled "An act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water rates or water rents in cities of this state, and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages and to enforce the payment thereof and to provide for the sale of lands subjected to future taxation and assessment," passed March thirtieth, one thousand eight hundred and eighty-six.

Upon petition court may appoint commissioners of adjustment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That one hundred or more persons being residents and freeholders of any city in this state may make the application to the circuit court referred to in the first section of the act to which this is a supplement, and in case of application so made the notice provided by said section to be given, may be signed by the clerk of the city or by the persons intending to make the application, and notice so given shall be of the same force and effect as the notice provided in said section, whereupon said court may in its discretion proceed thereon and appoint commissioners of adjustment in the same manner as if said notice had been given and the application made in the manner prescribed in said section; *provided*, that no person shall be eligible as a signer to such application who is in arrears for taxes or assessments in such city and the certificate of the officer charged with the collection of such taxes and assessments shall be plenary evidence of the [eligibility] of such applicants in the respect aforesaid.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 21, 1887.

## CHAPTER CXLVIII.

An Act providing for sewerage in and by adjoining cities, towns and townships.

Council or township committees may enter into contract for the connection and discharging of sewers and drains.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any town or township in this state having the power to construct sewers and drains is or shall be so situated that such town or township, or a section thereof, shall have no outlet for sewers or for sewerage or drainage except through and across the territory of an adjoining city, town or township, it shall be lawful for the council or township committee of such town or township to contract and agree in writing with the proper municipal authorities of any such adjoining municipalty for the privilege and right to connect and discharge the sewers and drains of such town or township, built or contemplated to be built with and into the sewers of such adjoining municipality, for such sum or consideration in gross and upon such terms and for and during such period as may be settled upon and determined by and between the said respective local authorities.

Council or town committee authorized to issue and sell bonds.

2. *And be it enacted*, That in case a sum in gross is agreed to be paid for such right or privilege, it shall be lawful for the council or township committee of such town or township, in order to raise the moneys agreed to be paid therefor, to issue and sell bonds in the corporate name of such town or township for an amount not exceeding the price so agreed to be paid, to run not exceeding five years and to bear interest at a rate not exceeding six per centum per annum.

Cost and expenses of obtaining right and privilege to construct main sewer to be included in assessments.

3. *And be it enacted*, That whenever such town or township shall construct a main sewer to connect with any sewer in such adjoining municipality the whole cost and expense of obtaining such right or privilege as aforesaid, including interest thereon to such time, shall then be included in and shall form part of the total cost and expense of constructing

such main sewer, and shall be included in any assessment or assessments made or to be made for benefits arising from the construction of such main sewer.

Council or townships may appoint commissioners instead of making contract or agreement.

4. *And be it enacted*, That the said council or township committee of any such town or township and the proper municipal authorities of such adjoining municipality, instead of making the contract or agreement provided for by the first section of this act, may each appoint two disinterested commissioners, who after first making oath or affirmation in writing that they will exercise the powers and discharge the duties vested and imposed upon them honestly and faithfully and to the best of their ability and understanding shall appoint an additional disinterested commissioner to act with them, who shall reside in the county but shall be a non-resident of either such town or township or such adjoining municipality, who shall make the same oath or affirmation as is above required to be made by the other commissioners, all of which oaths or affirmations aforesaid shall be filed in the office of the clerk of the county in which such municipalities are situated.

Commissioners to ascertain and determine area and make map.

5. *And be it enacted*, That after filing the oaths provided for in the next preceding section the said commissioners shall consider all the territory in each municipality and shall ascertain and determine the area in each having no sewerage which could conveniently be drained and sewered into the same outlet or main sewer, and shall make a map showing such drainage area, divided into lots and parcels of land and showing also the size, route and outlet of a main or outlet sewer proper and sufficient for that purpose; they shall also prepare plans and specifications of the work required to be done thereon, and also an estimate or estimates of the probable total cost and expense of constructing the same; they shall likewise ascertain and determine the probable assessment which will be levied or imposed upon each lot and parcel of land in such drainage areas specially benefited by the construction of such a sewer, and also the proportion of the total cost and expense of construction which each municipality ought to bear and pay, and within three months after the appointment of the last commissioner shall make and file with the proper authorities of each municipality interested therein duplicates of their reports, plans, estimates and maps, and such duplicates shall remain

To prepare plans, specifications and estimate of cost of construction of sewer.

To ascertain and determine assessment to be levied upon each lot, &c.

open to public examination and inspection in the respective municipalities in which they may be filed until the time for presenting objections thereto, as hereinafter provided, shall have expired; notice of the filing of such reports, plans, estimates and maps shall be published by the clerk of each municipality in the official newspapers thereof for four weeks successively, at least one in each week, which said notice shall also describe the boundries of the drainage area in each municipality affected thereby, and shall designate the place or places in either of such municipalities where such reports, plans, estimates and maps can be seen and examined, and shall specify the time within which and the place where objections to such proposed sewer may be filed, the last day of which time shall be not less than forty days from the date of the first publication of such notice; all objections to such proposed sewer shall be filed with the clerk of the municipality which includes the drainage area in which the land of the objecting owner lies; and each of said clerks shall, at least fifteen days prior to the expiration of the time specified in such notice, post large printed copies of such notice in at least fifty conspicuous places in the drainage area in the municipality which he is the clerk.

Notice of filing reports, plans, &c., to be published.

6. *And be it enacted*, That within fifteen days after the expiration of the time named in said notice, the council, governing body or proper board of such municipalities shall respectively meet and examine the objections to such proposed sewer that have been filed with their respective clerks; and if it appear that a majority in amount of the estimated probable assessment in the drainage area in either of such municipalities shall have objected thereto, then upon its being so certified by the clerk thereof to the said commissioners no further proceedings shall be had or taken by said commissioners and in that event the cost and expenses of said commission, including compensation to a competent engineer and surveyor, the said commissioners being hereby authorized to employ one, shall be determined upon and shall be borne and paid equally by said municipalities.

Council, &c., to meet and examine objections, &c.

No further proceedings to be had if majority in amount shall object, &c.

7. *And be it enacted*, That if a majority of the estimated probable assessment in the drainage areas in each municipality shall not have objected thereto as aforesaid, the respective clerks thereof shall so certify to the said commis-

If majority do not object, commissioners to build and construct sewer.

sioners, and then and from thenceforth the said commissioners shall have full power and authority to make, build and construct and to acquire the right of way and an outlet for the sewer described and designated in said report, plans, estimates and maps and to do all and every act necessary to be done for the proper building and constructing of such sewer.

Commissioners to take lands for construction of sewer and pay owners for same and damages done.

8. *And be it enacted*, That the said commissioners shall have power to take any lands that may be necessary for the building or constructing of such sewer upon paying to the owner or owners thereof the fair value of the lands taken and of the improvements thereon, and the damage done to any lot, tract or parcel, tenement or building, by taking part of it for such purpose, and every person whomsoever whose land and property shall or may be injuriously affected by the location and construction of said sewer or the outlet shall be entitled to have and receive damages and a just compensation for such injury, which shall be determined and paid before said sewer is actually built and constructed, and the moneys necessary to pay the same shall be advanced and paid by the said municipalities on the order of the said commissioners in the proportion provided for in the aforesaid report of the said commissioners.

Commissioners authorized to contract for work and materials.

9. *And be it enacted*, That the said commissioners shall have full power and authority to enter into contracts with responsible persons as hereinafter provided for doing the work and furnishing the necessary materials required in the construction of such sewer or any section thereof; they

Advertisements for proposals to be published.

shall advertise for proposals in at least two newspapers published in the county in which such municipalities are situated for doing the work and furnishing the materials for the whole sewer or for any section thereof, and their contracts shall be awarded to and made with the lowest responsible bidder who will comply with the requirements of the commissioners and will give ample security for doing such work and furnishing such materials according to contract; but the said commissioners shall be under no obligations to accept the lowest bid, in which case all other bids shall be thrown out and new proposals advertised for in the manner hereinabove provided.

10. *And be it enacted*, That the commissioners shall, on the sworn certificate of their engineer and such other evidence as they may require of the completion of any portion of the work, apportion the amount to be paid therefor by each municipality appointing said commissioners, and shall draw an order on each in favor of the contractor or contractors for the amount so apportioned to it, which order, on presentation, shall be paid by the municipality on which it is drawn, either in money or improvement certificates or in the bonds of such municipality, as may be agreed upon; *provided, however*, that at no time before said work shall be fully completed shall the said commissioners draw orders for more than seventy per centum of the contract price, and when such work shall have been fully completed, orders for an additional twenty per centum thereof may be drawn, and at the expiration of not more than six months thereafter orders for the remaining ten per centum may be drawn; and in case either municipality shall fail or refuse to pay any order drawn thereon by said commissioners on presentation, an action shall lie against it in favor of the person to whom it is made payable; proof of the issuing of such order by the said commissioners shall be sufficient proof of the liability of such municipality.

Commissioners to apportion amount to be paid by each municipality.

How amount is to be paid.

Proviso.

11. *And be it enacted*, That either municipality may issue and sell bonds to run not exceeding ten years, and to bear interest at not exceeding six per centum, to and for amount sufficient to pay its share of cost and expense of constructing such sewer, and all moneys received or collected for or on account of the assessment hereinafter provided for shall be held and kept inviolable for the redemption of the bonds herein authorized to be issued.

Municipalities may issue bonds to pay amount of costs and expenses, &c.

12. *And be it enacted*, That after the completion of such sewer the whole cost and expense thereof shall be ascertained by the said commissioners, and the same shall, as far as practicable, be assessed upon the lands lying within said drainage areas of said municipalities specially benefited by the construction of such sewer in proportion to the benefit received, and no lot or parcel of land shall be assessed more than it is so specially benefited; after they shall have completed such assessment they shall present their report to the circuit court of the county in which such municipalities are situated, together with a map and

Costs and expenses how ascertained, and to be assessed upon lands benefited.

Commissioners to make report to circuit court.

schedule showing all the land and real estate assessed and each lot and parcel thereof, and the names of the owners so far as the same are known to the said commissioners (but no assessment shall be deemed defective by reason of any mistake in the names of said owners or any of them), and upon the coming in of said report, signed by said commissioners or a majority of them, the said court shall direct such notice to be given thereof and of the time and place of hearing any objections that may be made to such assessment, for such time and in such way and manner as it shall deem proper; and after hearing any matter that may be alleged against the same, the said court shall, by rule or order, either confirm such assessment or, if deemed necessary, refer the report and assessment back to the commissioners for revision and correction, who shall return the said report and assessment to the said court, corrected and revised, without any unnecessary delay, and the same, on being so returned, shall be confirmed or again referred by the said court as right and justice shall require, and so from time to time until a report and assessment shall be made or returned, which the said court will confirm, and such report and assessment, when so confirmed by said court, shall be final and conclusive upon the owners of all lands and real estate affected thereby, and the said court shall thereupon cause certified copies of the report and assessment to be transmitted to the clerk of each of said municipalities, with certified copies of the rule or order confirming the same.

Assessment to remain a lien on lands

13. *And be it enacted*, That from and after the time of such confirmation the said assessment shall be and remain a lien upon the lands upon which it is made until paid, notwithstanding any devise, descent, alienation, mortgage or other incumbrance thereof, and such assessment may be collected and the payment thereof enforced by the municipality to which the same is due in the manner prescibed by law with respect to other assessments therein, and shall be subject to the like interest and penalties.

Majority of commissioners to determine questions, &c.

14. *And be it enacted*, That a majority of the commissioners herein provided for shall be sufficient to determine any matter or question arising or coming before them; and in

Vacancies how filled.

case a vacancy shall at any time occur in said commission it shall be filled by the body making the appointment so be-

come vacant, and the person appointed to fill such vacany shall possess the like qualifications as are herein prescribed with respect to his predecessor and he shall make and file the oath or affirmation required to be made and filed by the other commissioners.

Where sewer is not to be built or constructed.

15. *And be it enacted*, That no sewer authorized to be constructed by this act shall be built or constructed so as to empty or drain or discharge any of its contents into any creek in which there is a sluice unless it be at a place therein between such sluice and the mouth of such creek, and that no such sewer shall be located and constructed so as to empty, drain or discharge its contents into any creek that constitutes the boundary between two or more municipalities, without the consent of all such municipalities bordering thereon, that shall or may be injuriously affected thereby; and that no such sewer shall be so constructed as to at any time empty or discharge any of its contents into any creek, stream, lake, pond or water course the waters of which are used for or connect with the waters of any river, creek, stream, lake, pond or water course used for the supply of water to any aqueduct, water main or reservoir of any city, town, township or municipality of this state.

Powers and authority vested.

16. *And be it enacted*, That where in any municipality affected by this act the power to build and construct sewers is vested in any particular board or boards, department or departments thereof, the powers and duties herein vested in and imposed upon the authorities of such municipality shall be exercised and performed by such board or department, and all the acts herein required to be done by the clerk of such municipality shall be done and performed by the clerk of such board or department.

17. *And be it enacted*, That this act shall take effect immediately.

Approved April 21, 1887.

## CHAPTER CXLIX.

A Supplement to an act entitled "An act to prevent deception in the sale of oleomargarine, butterine or any imitation of dairy products, and to preserve the public health," approved March twenty-second, one thousand eight hundred and eighty-six.

Act how construed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That nothing in said act shall be so construed as to permit the sale or the offering or exposing for sale, or the having in possession for the purposes of sale, of any oleomargarine or butterine, or any substance in imitation of natural butter, that is colored, stained or mixed with annotto or any other coloring matter or substance.

Section amended.

2. *And be it enacted*, That section four of said act be and the same is hereby amended so as to read as follows:

Imitation of dairy products not to be sold in quantities less than tub or firkin unless purchaser is informed, &c.

[4. *And be it enacted*, That no person shall sell any oleomargarine, butterine, suine or any substance in imitation or semblance of natural butter or cheese, or any substance that is rendered, made, manufactured or compounded out of any animal or vegetable or mineral fat or oil, not produced from pure milk or the cream from pure milk, at retail or in quantities less than the original tub, firkin or other package, unless he shall first inform the purchaser that the substance is not natural butter or cheese, but is imitation butter or cheese, and at the time of sale and with each sale, he shall give to the purchaser a card or notice printed on which shall be the name of the substance sold and the name and address of the sellor or vendor, and nothing else shall be printed thereon unless it be the weight of the parcel; and said notice or card shall be at least six inches long and at least four inches wide, and the printing thereon shall be in letters at least of the size known as two-line English, and said notice or card shall be printed in black and in the English language, upon white

paper, plainly and legibly, and shall be either upon the outside of the outer wrapper in which the substance is delivered to the purchaser or upon a separate card or paper attached thereto; in either case the notice shall be so placed that no part thereof shall be concealed from view.]

Dairy commissioner to enforce provisions of certain act.

3. *And be it enacted*, That the state dairy commissioner is hereby directed and empowered to aid in the enforcement of the provisions of an act entitled "An act to prevent the adulteration of food or drugs," approved March twenty-fifth, one thousand eight hundred and eighty-one, and said commissioner and his assistants and agents are hereby clothed with the same powers as are conferred on inspectors or officers by the provisions of said act, and the expenses of such enforcement shall be paid out of the appropriation made for the purposes of the act to which this is a supplement.

Powers of commissioner, assistants and agents and expenses, how paid.

Dairy commissioner may appoint chemists, &c.

4. *And be it enacted*, That the state dairy commissioner may appoint the chemist or chemists, analyst or analysts required by the provisions of this act or the act to which this is a supplement, and fix the compensation to be paid such chemists or analysts.

Form of conviction.

5. *And be it enacted*, That the conviction in prosecutions under the act to which this is a supplement shall be in the following or similar form:

STATE OF NEW JERSEY, } ss.
COUNTY OF A, }

Be it remembered that on this——day of——, at———, in said county, C. D., defendant, was, by the district court of the city of J, (or by the recorder, or as the case is) convicted of violating the —— section of "An act to prevent deception in the sale of oleomargarine, butterine or any imitation of dairy products, and to preserve the public health," approved March twenty-second, one thousand eight hundred and eighty-six, in a summary proceeding at the suit of A. B., state dairy commissioner, who sues for the use and benefit of the state of New Jersey, plaintiff, upon a complaint made by E. F.; and, further, that the witnesses in said proceeding who testified for the plaintiff were (name them), and the witnesses who testified for the defendant were (name them); wherefore the said court (or recorder, or as the case is) doth hereby give judgment that

the plaintiff recover of the defendant one hundred dollars penalty, and —— dollars costs of this proceeding;

Conviction by whom signed.

The said conviction shall be signed by the judge of the district court, recorder or other magistrate before whom the conviction is had; in case of the infliction of a penalty of two hundred dollars the conviction shall contain a statement that it appeared that the defendant had been previously convicted of violating the said act; when an appeal is taken there shall be sent to the appellate court a copy of the complaint, summons, conviction or judgment and notice of appeal; the costs in prosecutions under the act to which this is a supplement shall be the same as costs in the district courts in actions on contract.

On appeal copies of papers to be sent to appellate court, &c.

When act to take effect.

6. *And be it enacted*, That this act shall take effect on May first, one thousand eight hundred and eighty-seven.

Approved April 21, 1887.

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## CHAPTER CL.

A Supplement to an act entitled "An act to incorporate trustees of religious societies" [Revision], approved April ninth, one thousand eight hundred and seventy-five.

How associations may become incorporated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of directors of any young men's christian association now existing or hereafter to be incorporated under any law of this state, may elect eight or more persons of whom no more than one-third shall be members of any one religious denomination, who, with the president of the association, for the time being, shall be and constitute a board of trustees of the said association, and shall be a body politic and corporate in law, by the name of the trustees of the young men's christian association of ————, (the blank to be filled according to the proper name of the association,) upon filing in the office of the clerk of the court of common pleas of the county a certified copy of the proceedings of said election by the

board of directors, and the written acceptance of the said office by the persons so elected, signed by their names, and acknowledged before any officer authorized to take the acknowledgment of deeds within this state; and it shall be the duty of the clerk of said court to record the same immediately, for which he shall be entitled to receive one dollar.

Board of trustees may purchase, hold, sell and convey real and personal estate and to make by-laws, rules, &c.

2. *And be it enacted*, That the said board of trustees shall, by their said corporate name, be capable to acquire by purchase, gift, grant, devise, bequest or otherwise, and to hold any personal or real estate or property for the uses of the said association; and, with the consent of the board of directors, the same or any part thereof to sell, grant, assign, mortgage, alien and dispose of; to sue and be sued, plead and be impleaded; to make and use a common seal, and the same to alter or renew; and to make by-laws and rules, not inconsistent with the laws of this state, for the management of its business and affairs, the convening or holding of its meetings, and the election or appointment, powers, duties and removal of its officers and agents, and to alter, amend or repeal the same at pleasure.

Vacancies in board of trustees how filled.

3. *And be it enacted*, That for the purpose of perpetuating a line of succession in the trustees of such association, whenever a vacancy shall occur in such board of trustees, occasioned by the death or resignation of any trustee or his moving out of the limits of the said association, the same shall be filled by a majority vote of the remaining trustees electing to such vacancy some person who shall be a member in good standing of a protestant evangelical church; *provided*, that at no time shall more than one-third of the members of the board of trustees, not including the president of the association, be members of any one religious denomination.

Proviso.

Trustees to elect president, &c.

4. *And be it enacted*, That the said trustees at their first meeting shall elect one of their own number to be the president of the board of trustees, who is hereby authorized to convene the board as occasion may require, and to preside at the meetings thereof, and to execute, for and in the name of the board of trustees, all contracts, deeds, leases, mortgages and other instruments which shall be required to be executed by said board; and in case of his absence, sickness, death, resignation or moving out of the limits of the association, the board of trustees shall elect one of their

Powers and duties of the president.

number to fill the office of president, for the time being, who shall occupy the same until the disability of the president be removed, or until the election of his successor, as the case may be.

Trustees to elect secretary and treasurer and other officers.

5. *And be it enacted*, That the board of trustees shall elect or appoint as soon after their election as practicable, from their own number, a secretary and treasurer, and may also appoint such other officers or agents as the board of trustees may, from time to time, deem expedient; the proceedings, orders and acts of a majority of the trustees for the time being, but not of a less number, shall be valid and effectual in law.

Property and income to be devoted to the association.

6. *And be it enacted*, That the board of trustees shall devote the property held by said board, real and personal, and the income thereof, to the purposes of the association, and to no other purpose whatsoever; and so long as the board of directors shall so expend the same, the board of trustees shall pay over to the board of directors the income of the property, real and personal, of the association; in the discharge of the duties of the board of trustees it may, in its discretion, constitute the finance committee of the board of directors, its agents for the repair, renting and collection of the rents of the property of the association, or of the property held by the said board of trustees for the use of the association.

Trustees to pay over all income to board of directors, &c.

Associations formed under this act to convey and assign real and personal property to board of trustees.

7. *And be it enacted*, That any such association availing itself of the benefits of this act, and having at that time property, real or personal, shall convey and assign the same to the board of trustees constituted by authority of this act, to be held by the said board of trustees for the uses of the association in the same manner and with the same powers and duties in regard thereto as are provided in section two of this act.

8. *And be it enacted*, That this act take effect immediately.

Approved April 21, 1887.

## CHAPTER CLI.

An Act relating to the sale of lands for unpaid taxes and assessments in cities of this state and proceedings in reference thereto.

Declarations or certificates of sale to be prima facie evidence, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all actions or proceedings in any court of this state wherein the title to any land or real estate heretofore sold in any city of this state for unpaid taxes or assessments, shall come in question, the declaration or certificate of sale made or issued by the municipal officer or authority of such city making such sale, shall be prima facie evidence that all acts necessary to the validity of such sale have been regularly and legally done and performed.

Declarations or certificates of sale hereafter issued to be evidence in all courts, &c.

2. *And be it enacted*, That hereafter, whenever in any city of this state any lands or real estate is or shall be sold for unpaid taxes or assessments the officer whose duty it is by law to make such sale shall make, or procure to be made, executed and delivered to the purchaser of such land or real estate at such sale, his executor, administrator or assigns, a declaration or certificate of sale, describing therein the said lands or real estate so sold, which declaration or certificate of sale shall be signed and executed as now required by law, and such declaration or certificate of sale executed as aforesaid, shall be presumptive evidence in all courts in all actions or proceedings by or against such purchaser or purchasers, his, her or their legal representatives or assigns of the title of such purchaser or purchasers to the said lands or real estate in such declaration or certificate of sale designated, and of the regularity and validity of all proceedings previously had in reference to said sale.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 21, 1887.

## CHAPTER CLII.

An Act to amend an act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary and the orphans' court and surrogates," approved the twenty-seventh day of March, one thousand eight hundred and seventy-four.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section seventy-one of the act of which this is amendatory be amended so as to read as follows:

Proceedings to obtain order to sell.

71. *And be it enacted*, That when any executor or administrator shall discover or believe that the personal estate of his testator or intestate is insufficient to pay his debts, it shall be his duty to exhibit, under oath, a true account of the personal estate and debts, so far as he can discover the same, to the orphans' court of the county where the lands, tenements, hereditaments and real estate of which the said testator or intestate died or shall die seized do lie, and request their aid in the premises; and the said court shall thereupon make an order directing all persons interested in such lands, tenements, hereditaments and real estate, to appear before them at a certain day and place, in said order to be mentioned, not less than two months after the day of making such order, to show cause why so much of the said lands, tenements, hereditaments and real estate of the said testator or intestate should not be sold as will be sufficient to pay his debts or the residue thereof, as the case may require, which order shall contain a description of the lands, tenements, hereditaments and real estate to be affected by such order, and shall be signed by the surrogate or clerk of said courts, and shall be immediately thereafter set up at three of the most public places in the county for six weeks successively; and copies of the said order shall be served upon all the devisees and heirs of the said testator or intestate, and upon the guardian or guardians (if any

What order of court shall contain.

there be) of such as are minors at least four weeks before the day named in the said order for the hearing thereon; and in case any of such heirs or devisees are non-residents of this state, or cannot be found therein, then the said order shall be published in one or more of the public newspapers of this state, to be designated by the said court, for six weeks successively, once in each week before the return-day of such order; and in case of such publication, a copy of such order shall be mailed to such absent heir or devisee prepaid, directed to him at the post-office nearest his residence, unless such residence or post-office be unknown and cannot be ascertained upon diligent and careful inquiry; *provided*, that no order for the sale of such lands, tenements, hereditaments and real estate shall be made upon such application until satisfactory proof be made to the court of the service or publication of such order as aforesaid.

When heirs or devisees are non-residents, order to be published, &c.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 21, 1887.

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## CHAPTER CLIII.

A Further Supplement to an act entitled "An act respecting the court of chancery" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section seventeen of said act, be and the same is hereby amended so as to read as follows:

Section amended.

17. *And be it enacted*, That if the complainant reside out of this state he shall before the issuing of a process to appear, cause a bond to be executed by at least one sufficient person being a freeholder and resident within this state, to the defendant in the penal sum of one hundred and fifty

When security for costs required or solicitor held responsible or suit stayed.

dollars, conditioned to prosecute the suit with effect, and to pay costs to the defendant if he shall be entitled thereto, and have the same filed with the clerk, or in default thereof, the complainant's solicitor, who shall file the said bill and issue process thereon, shall be responsible to pay the defendant such costs as he may be entitled to by the order of the court to an amount not exceeding the penalty of said bond, or in lieu of the bond last above mentioned, the complainant may deposit the sum of one hundred dollars, or such larger sum as the chancellor on application of any defendant may require, with the clerk of this court, to be and remain as security to the defendants for costs, and whether the said bill and process be signed by the complainant or his solicitor, then the said suit shall be stayed till such bond be filed, or deposit made; and if the same be not filed or deposited by the time appointed by the court, the bill shall be dismissed with costs.

Repealer. 2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

3. *And be it enacted*, That this act shall be deemed to be a public act and to take effect immediately.

Approved April 21, 1887.

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## CHAPTER CLIV.

Supplement to an act entitled "An act regulating the expenses for the observance of decoration day," approved April twenty-eighth, one thousand eight hundred and eighty-six.

Appropriation for observance of decoration day. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee, board of finance, or other governing body of any township, town or borough in this state having control of the finances of said township, town or borough, are hereby empowered

to appropriate a sum not exceeding one hundred dollars for the observance of decoration day.

2. *And be it enacted*, That this act shall be deemed a public act and take effect immediately.

Approved April 21, 1887.

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## CHAPTER CLV.

An Act to authorize the boards of chosen freeholders in the respective counties of this state to acquire by purchase or condemnation lands for public use in such counties and to provide for the issue of bonds to pay for the same.

Chosen freeholders may acquire by purchase or condemnation land for county purposes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of chosen freeholders in any county of this state to acquire by purchase or condemnation, as hereinafter provided, any tract or tracts of land, not exceeding in all thirty acres of land, for the purpose of adding the same to the county farm, to be used for the purpose of alms houses, jails, work houses, lunatic asylums and such other public buildings as may be required, and to furnish use for the prison and pauper labor of any such county; *provided*, that said lands, when so purchased or acquired, shall, with the lands already purchased or acquired and owned by said county, form one contiguous and compact tract of land.

Proviso.

Freeholders may contract for the purchase of such lands, &c.

2. *And be it enacted*, That it shall be lawful for any such board of chosen freeholders to make a contract or contracts of purchase of such lands with the owner or owners thereof upon such terms and conditions as to such board shall seem best and most advantageous to the interest of such county, and the said board of chosen freeholders shall be able and capable to acquire, purchase, receive and have and hold said lands for the use of their counties respectively, as provided in section one of this act, and to pay for the same in such

manner and upon such terms and conditions as shall be deemed most beneficial to the interest of such county.

Proceedings in case of failure to agree with owners of lands for the purchase or price to be paid.

3. *And be it enacted*, That if any such board of chosen freeholders shall fail to agree with the owner or owners of any such tract or tracts of land for the purchase, either as to quantity required or the price to be paid for the same, or upon any other of the terms and conditions of such purchase, so that the purchase of any such tract or tracts of land cannot be consummated and completed by mutual agreement between said board of chosen freeholders and the owner or owners thereof as to any one or more of said tracts of land, or if for any other reason the said board of chosen freeholders shall be unable to contract for and purchase and acquire said lands, then it shall be lawful for such board of chosen freeholders to cause a survey or surveys to be made of such tract or tracts of land required and which cannot be purchased by agreement as aforesaid, and to ascertain the owner or owners of such tract or tracts of land, if the same can be ascertained, and after such survey or surveys have been completed, and a map or maps made of the same, said map or maps, survey or surveys shall be filed in the office of the clerk of any such county, and it shall be lawful for said board of chosen freeholders, at any time within three months after the date of the filing of such map or maps, survey or surveys, to apply to the justice of the supreme court holding the circuit court in and for any such county for the appointment of three commissioners to condemn and appraise said tract or tracts of lands, and the said application to the justice of the supreme court shall be made in writing, by virtue of a resolution of such board, certified to by the clerk of said board and annexed to said application, which application shall be signed and verified either by the director or clerk of said board, and presented to such justice, and when so presented said justice shall make an order fixing a time and place when and where said commissioners will be appointed, which shall not be less than fifteen days from the making and presentation of such application, and the said justice shall direct a notice to be served on all the owners of said tract or tracts of lands, if known and in this state, or if unknown and out of this state, to make publications thereof, as he shall direct, for any term not less than ten days, of the particular time and place for

Survey and map to be made and filed.

Freeholders may apply for appointment of commissioners.

the appointment of said commissioners, at which time, upon satisfactory evidence to him of service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, residents of the state of New Jersey, commissioners to examine and appraise the said tract or tracts of lands, and to assess the damages, upon such notice to be given to the owner or owners and persons interested as shall be directed by said justice making such appointment, and to be expressed therein, not less than twenty days, and it shall be the duty of the commissioners (having first taken and subscribed an oath or affirmation before the clerk of the county faithfully and impartially to examine the lands in question and to make a true appraisement and report, according to the best of their skill and understanding, which oaths shall be filed with the county clerk), to meet at the time and place appointed and proceed to view and examine the said tract or tracts of lands, hear the statements of parties interested and others, and adjourn said hearing from time to time, if necessary, and to make a just and equitable assessment or assessments of damages to be paid by the board of chosen freeholders for such tract or tracts of lands and damages aforesaid; and the lands of different owners shall be appraised at the same time by said commissioners, and separate appraisements made for each separate tract, which separate appraisements shall be reported by a report, made in writing under the hands and seals of said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land and the appraisement aforesaid, in the clerk's office of such county, to remain of record therein, and said report shall, upon ten day's notice, in writing, by either party in interest to the other, be confirmed by the circuit court of the county wherein said lands are situate and said report filed; and thereupon the said board of chosen freeholders shall pay the amount awarded, unless proceedings in appeal shall be taken as hereafter provided, and upon payment or tender of payment of the amount awarded as herein provided, the said board of freeholders in any such county is hereby empowered to enter upon and take possession of said tract or tracts of lands for the use of the inhabitants of such county; and the said report, or a copy thereof, certified to by the clerk of said county, and

Justice of supreme court to appoint commissioners.

Commissioners to meet and appraise lands, &c., and to make report.

Freeholders to pay amounts awarded and to enter and take possession of lands, &c.

proof of payment or tender of the amount awarded, shall at all times be considered as plenary evidence of the right of said board of chosen freeholders to have, hold, use, occupy, possess and enjoy the said lands; and the said justice of the supreme court shall, upon the application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the justice of the supreme court, commissioners, counsel and other persons performing any of the duties prescribed in this or any other section of this act, as he shall think equitable and right, which shall be paid by the county collector upon the certificate of such justice; *provided, always*, that should any such board of chosen freeholders or the owner or owners of any of the lands feel aggrieved by the decision of the commissioners aforesaid, he, she or they may appeal to the circuit court of any such county within sixty days after the filing of the said report by the said commissioners, but in case no such appeal be taken, either by said board or by any owner or owners as aforesaid, then the said board shall be conclusively bound to pay said award or awards so as aforesaid reported by said commissioners, and said owner or owners shall be conclusively bound to accept payment of the amounts so awarded, and neither said board of chosen freeholders nor the owner or owners of said lands shall be allowed to reject the awards so as aforesaid made, and the owner or owners shall be entitled to recover the amount of said award or awards, with interests and costs, in an action of debt against such board of chosen freeholders in any court of competent jurisdiction, if payment be neglected or refused for thirty days after demand made for the payment thereof, and said report, or a copy thereof, certified as aforesaid, shall be plenary evidence of the said owner or owners' right to said recovery.

Proviso.

Proceedings in case of appeal from decision of commissioners.

4. *And be it enacted*, That every appeal from the decision of the commissioners appointed under the preceding section of the act shall be made in writing and in the form of a petition to said court, and filed with the clerk of the said circuit court in and for such county; and notice in writing of such appeal shall be given to the opposite party within ten days after the filing thereof, which proceeding shall vest in the circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of said

controversy to be formed between the said parties, and to order a jury to be struck, which, upon demand of either party, shall be a foreign jury, and a view of the premises to be had; and the said issue to be tried at such time as the said court shall order, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the land and damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon with costs shall be entered against the said board of chosen freeholders and execution awarded therefor; but if the said jury shall be applied for by the owner or owners and shall find a less sum than the said commissioners shall have awarded, then said costs shall be paid by the applicant or applicants and either deducted out of said sum found by the said jury or execution awarded therefor, as the said court shall direct; but such application shall not prevent the said board of chosen freeholders from taking the said land upon filing the aforesaid report; *provided*, that in no case whatever shall said board of chosen freeholders enter upon or take possession of any land of any person or persons until they have paid to the party or parties entitled to receive the same the amount assessed by the commissioners as the value of such land, in case the report of the commissioners is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners in case there should be no appeal, and in case of appeal the amount found by the jury, shall refuse, upon tender thereof being made, to receive the same, or shall be out of the state or under any legal disability, then the payment of the amount assessed or found as aforesaid into the circuit court of such county shall be deemed a valid and legal payment; *and further*, that the party or parties entitled to receive the amounts assessed by the commissioners may, upon tender thereof being made, receive the same without being barred thereby from his, her or their appeal from the report of the commissioners; and on such tender or payment of money into court in case it be refused as aforesaid, the said board of chosen freeholders shall take

Proviso.

Proviso.

Proviso. possession of the said lands; *and provided, further*, that in case any money paid into court shall belong to any infant, insane person or idiot, said money shall be paid over by such court to any guardian appointed to take charge of such infant, insane person or idiot, estate when it shall appear to the court that such guardian has filed a good and sufficient bond to cover said amount with the court or surrogate appointing such guardian, or the money may, by said court, be ordered to be invested by the clerk of the court for the benefit of such infant, insane person or idiot.

Freeholders may enter into contract for the settlement notwithstanding an appeal may be taken, &c.

5. *And be it enacted*, That it shall be lawful for any such board of chosen freeholders to make and enter into a contract or contracts as provided in section two of this act, in settlement or otherwise, notwithstanding an appeal may be taken by either party as hereinbefore provided and pending the determination of the same.

Commissioners to appraise mortgage, lease or life estate in lands.

6. *And be it enacted*, That if any person shall have a mortgage, lease, life estate, or any other less estate than a fee in any lands taken, said estate shall be appraised by the commissioners, or in case of an appeal by the jury, and deducted and paid out of the amount assessed or awarded by the whole fee.

Board of freeholders to borrow money and to issue bonds.

7. *And be it enacted*, That in order to pay for the said land purchased under this act by mutual agreement between said board of chosen freeholders and the owner or owners thereof, or in order to pay the award or awards of the commissioners or assessment or assessments of value and damages by a jury in case of an appeal for the lands taken under this act, it shall be lawful for any such board of chosen freeholders of any of the counties of this state to borrow any sum of money equal to the amount required to pay for such lands so purchased or taken, and to cause bonds to be prepared and issued in sums of one thousand dollars each, payable in from one to thirty years after date, at the discretion of the board, with interest not exceeding six per centum per annum, payable half yearly, which bonds shall be given in the name of the board of chosen freeholders of such county for and in behalf of the inhabitants of such county, and they shall be signed by the director of such board and the county collector, with the seal of such board affixed; said bonds shall be either registered or coupon bonds and payable, both principal and interest, at

Rate of interest, &c.

such place as such board shall designate, and the same may be made payable to bearer, and by resolution of said board registered bonds may be exchanged for coupon bonds and coupon bonds exchanged for registered bonds upon the request of the holder thereof; *provided*, that said bonds shall be sold to the highest bidder, upon bids or proposals duly advertised for the space of one week before such bids or proposals be received by said board; *and provided, also*, that said bonds shall not be sold at less than the par value thereof.

Proviso.

Proviso.

8. *And be it enacted*, That said board of chosen freeholders shall, each year, place in the tax levy for such county for such year, so long as such bonds shall run, a sufficient sum to pay all interest on said bonds during such year, and, also, a sufficient sum to pay the principal of said bonds falling due within the year; the same to be levied and raised in the same manner as other county taxes are levied and raised.

Principal and interest on bonds how paid.

9. *And be it enacted*, That this act shall take effect immediately.

Approved April 21, 1887.

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## CHAPTER CLVI.

A Further Supplement to an act entitled "An act for the organization of the national guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine, and the various amendments thereto.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the third section of the act to which this is a supplement, which supplement was approved March ninth, one thousand eight hundred and seventy-seven, be amended so as to read as follows:

Section amended.

3. *And be it enacted*, That the active militia of this state shall be known as "The National Guard of New Jersey" and shall consist of not more than sixty companies of in-

Name and organization of the active militia

fantry to be organized into regiments and battalions, two gatling gun companies and one sea-coast artillery company, the whole to be organized into two brigades and comprised in one division; *provided*, that each county in the state shall be entitled to at least one of such companies.

Proviso.

Gun squad to be designated as gun detachment.

2. *And be it enacted*, That the gun squad organized under the provisions of section ten of the supplement to this act approved April seventeenth, one thousand eight hundred and eighty-five, be hereafter known and designated as the gun detachment.

Organization of sea coast artillery.

3. *And be it enacted*, That the organization of the sea-coast artillery company shall be in manner and form as prescribed for a company of infantry.

Payments on account of sea coast artillery, by whom made, &c.

4. *And be it enacted*, That payments on account of the sea-coast artillery company shall be made to the paymaster of the brigade to which such company is attached and shall be expended by him upon requisition of the commander of such company duly approved by the brigade commander.

5. *And be it enacted*, That section one of the supplement to this act, which supplement was approved March twelfth, one thousand eight hundred and eighty, which reads as follows:

Section repealed recited.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state having thirty-five thousand inhabitants and in which there is no regularly enrolled company of the national guard, there may be organized a battalion, to consist of not less than two nor more than three additional companies of not less than fifty nor more than eighty enlisted men to each company, which battalion and the companies composing the same shall be entitled to the rights, privileges and allowances and be required to perform the like duties now provided by law for infantry battalions and infantry companies of the national guard," be and the same is hereby repealed.

6. *And be it enacted*, That section one of the supplement to this act, which supplement was approved April twenty-second, one thousand eight hundred and eighty-four, which reads as follows:

Section repealed recited.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of the second class of this state in which there is not more than one regularly enrolled company of the national guard, there may

be organized a battalion, to consist of not less than two nor more than three additional companies of not less than fifty nor more than eighty enlisted men to each company, which battalion and companies comprising the same shall be entitled to the rights, privileges and allowances and be required to perform the like duties and subject to the penalties now provided by law for infantry battalions and infantry companies of the national guard, except as hereinafter provided," be and the same is hereby repealed.

7. *And be it enacted*, That section second of the supplement to this act, which supplement was approved April twenty-second, one thousand eight hundred and eighty-four, which reads as follows:

Section repealed recited.

"2. *And be it enacted*, That any such battalion and the companies composing the same shall be furnished with the regulation state uniform by the quartermaster-general upon the terms set out in the seventeenth section of the supplement to the act to which this is a supplement, approved March fourteenth, one thousand eight hundred and seventy-nine, as amended March tenth, one thousand eight hundred and eighty," be and the same is hereby repealed.

8. *And be it enacted*, That section one of the supplement to this act, which supplement was approved March eighteenth, one thousand eight hundred and eighty-one, which reads as follows:

Section repealed recited.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That to each artillery company there shall be one captain, two first lieutenants, two second lieutenants and not less than fifty or more than one hundred and fifty enlisted men, from which number of enlisted men there may be selected not more than one first sergeant, five sergeants, eight corporals and two musicians," be and the same is hereby repealed.

9. *And be it enacted*, That section four of the supplement to this act which supplement was approved April fourth, one thousand eight hundred and seventy-one, which reads as follows:

Section repealed recited.

"4. *And be it enacted*, That the annual appropriation of five hundred dollars to each light battery is increased to one thousand dollars," be and the same is hereby repealed.

10. *And be it enacted*, That the supplement to this act,

which supplement was approved April fifth, one thousand eight hundred and eighty-six, which reads as follows:

Act repealed recited.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all sea-coast cities of this state, and in which cities there is no regularly enrolled company of the national guard, there may be organized a company of artillery of not less than fifty enlisted men nor more than one hundred and fifty officers and enlisted men to each company, which company shall be entitled to all the rights, privileges, benefits and allowances of like military organizations in the service of the national guard and be required to perform the like duties and services and subject to the penalties provided by law for the discipline and efficiency of other state troops, as well as for the special service for which these companies may be organized, excepting as hereinafter provided;

"2. *And be it enacted*, That any such company of artillery shall be furnished with the regulation state uniform upon the terms set forth in the seventeenth section of the supplement to the act to which this is a supplement, approved March fourteenth, one thousand eight hundred and seventy-nine, as amended March tenth, one thousand eight hundred and eighty," be and the same is hereby repealed.

11. *And be it enacted*, That this act shall take effect immediately.

Approved April 21, 1887.

## CHAPTER CLVII.

An Act to amend the first section of an act entitled "An act concerning county boards established for the protection of the public health and the registration of vital facts and statistics in counties of this state," approved May fifth, one thousand eight hundred and eighty-four.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the above entitled act be and the same is hereby amended to be and read as follows:

County boards of health established by law empowered to enact ordinances.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any and every county of this state wherein there is or may be established by law a county board of health, or county board of health and vital statistics, or other like county board for the protection or preservation of the public health, such board shall be and hereby is empowered to enact and make ordinances in relation to and for the protection of the public health and the registration of vital facts or statistics.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 21, 1887.

## CHAPTER CLX.

An Act to provide for the purchase of a tract of land on the Atlantic coast in the county of Monmouth, and to vacate certain streets and to take and extinguish certain easements thereon and therein.

Preamble.

WHEREAS, the quartermaster-general, pursuant to the provisions of the fifth section of a supplement to an act for the organization of the national guard of New Jersey, approved March ninth, one thousand eight hundred and sixty-nine, which said supplement was approved April twenty-ninth, one thousand eight hundred and eighty-four, did make an agreement subject to certain conditions, to purchase a tract of land on the Atlantic coast at Sea Girt, in the county of Monmouth, of suitable extent and location for a permanent camp, a rifle range and a sea-coast battery for the use of the national guard of this state, which agreement aforesaid has been approved by the governor and commander-in-chief as required by law, which said tract of land is bounded and described as follows, to wit: "all that certain tract of land situate at Sea Girt, in the township of Wall, in the county of Monmouth, and state of New Jersey, and being a part of a larger tract belonging to the Sea Girt land improvement company, beginning at a stake in the middle of Sea Girt avenue, which stake is at the distance of four chains and fifty links, measuring on a course of south forty-five degrees east, from a stone in the southeast corner of lands formerly belonging to Charles Graham, deceased, and now of said Sea Girt land improvement company, and in the line of land belonging to William Harris, and running thence along the middle of said Sea Girt avenue south forty-three degrees forty-five minutes east, two thousand nine hundred and eighty-eight feet and six-tenths of a foot to a stake, a corner of other lands of said company, thence by said other land south forty-

three degrees forty-three and one-half minutes west, eight hundred and seventy-one feet and eleven hundredths of a foot to a stake; thence south seventy-one degrees twenty-four and one-half minutes east, one thousand six hundred and two feet and thirty-one hundredths of a foot to ordinary high-water mark of the Atlantic ocean; thence along said high-water mark south eighteen degrees thirty-five and one-half minutes west, four hundred and eighty feet to a point; thence north seventy-one degrees twenty-four and one-half minutes west, one thousand seven hundred and sixty-two feet and sixty hundredths of a foot to a stake; thence south forty-three degrees forty-three and one-half minutes west, one hundred and fifty-three feet and two-tenths of a foot to a stake on the northerly side of Stockton lake or Newbury's pond; thence along the said side of said lake or pond and along a small stream emptying thereinto, the several courses and distances thereof respectively to a stake, and thence north twenty-seven degrees forty-five minutes east, one thousand seven hundred and forty-five feet and twenty-four hundredths of a foot to the first mentioned stake and place of beginning, containing one hundred and nineteen acres and eight hundred and twelve one-thousandths of an acre; the foregoing description, courses, and distances being taken from a survey of said tract of land made by William Segorne on the twenty-eighth day of November, anno domini one thousand eight hundred and eighty-four; *and whereas*, it is necessary for the public use and for the proper use of the said tract for the purpose aforesaid, and for the public safety, that certain streets and avenues which have been plotted on a plan of lots heretofore filed in the clerk's office of the county of Monmouth, purporting to be a "map of Sea Girt, situated in Monmouth county, New Jersey, Charles F. Ingham, engineer; revised by Frederick J. Anspach, engineer, 1877," but which streets and avenues have not been opened, should be vacated and the dedication thereof made void; therefore,

Appointment of commissioners to complete the purchase, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James Smith, Jr., of Essex county, and William L. Dayton, of Mercer county, be appointed and constituted commissioners for the purpose of

completing the purchase of the aforesaid tract of land and securing to the state a proper and legal title in fee simple for the same, free and clear of all encumbrances, easements and servitudes.

Purchase money to be paid when deed of conveyance is executed.

2. *And be it enacted*, That whenever a good and sufficient deed of conveyance containing a covenant of general warranty and the ordinary full covenants, and vesting in the state of New Jersey an estate in fee simple in the said tract of land clear of encumbrances as aforesaid, shall be duly executed and delivered to the said commissioners, the comptroller shall be authorized to draw his warrant on the treasurer for the amount of the purchase money to be paid as hereinafter directed, said amount being first approved by the governor.

Certain streets on plan of lots vacated and made void.

3. *And be it enacted*, That Westminster, Myrtle, Holly, Lake, Atlantic and First avenues, and Greenwich, Brunswick, Essex, Somerset and Arch streets, designated on a map of Sea Girt or plan of streets and lots made by Charles F. Ingham and revised by Frederick J. Anspach, and filed in the clerk's office of the county of Monmouth as a public record September twelfth, one thousand eight hundred and seventy-eight, so far as the same are embraced within the limits of the tract of land aforesaid, and all other roads, avenues, streets or ways, whether public or private, embraced within the limits of said tract of land, be and the same are hereby vacated and made void; and it shall not be lawful for any public or municipal body, or any person or corporation, to open or use the same, and the land when acquired shall be held by the state free from any and every easement of way over the same.

Commissioners authorized to purchase private ways or other easements.

4. *And be it enacted*, That if it shall appear to the said commissioners that any person or persons have lawfully acquired and are entitled to any private ways or other easements or servitudes whatever in or over the said tract of land or any part thereof, then the said commissioners are hereby authorized to purchase the same, and in case they cannot agree with such person or persons for the purchase and extinguishment of such private ways, easements or servitudes, then the same shall be taken for the public use, and the said commissioners shall inform the attorney-general of their inability to make such agreement, and the attorney-general shall thereupon institute and carry on the

Proceedings in case no agreement can be had for the purchase.

proceedings for taking for the use of the state the said private ways and all other easements or servitudes whatever upon or over the said tract of land in the manner directed by the second section of the act entitled "An act to regulate the acquiring of land for exclusive public uses by the state of New Jersey," approved May second, one thousand eight hundred and eighty-five; and upon the filing of each award directed in said section, the commissioners designated in this act are authorized and directed to pay the amount thereof to the person or persons in whose favor the same shall be made, and to deduct the amounts thereof and all expenses of said proceedings from the purchase money agreed to be paid for the said tract of land; *provided, however*, that no payments authorized by this section shall be made by the said commissioners until the vendors of said tract of land shall have executed and delivered to the governor of this state a good and sufficient deed conveying the said tract of land to the state, in fee simple, freed of all encumbrance, except the rights, easements and servitudes herein mentioned,

Proviso.

5. *And be it enacted*, That the sum of fifty-one thousand dollars or so much thereof as may be necessary, is hereby appropriated for the purchase money of the aforesaid tract of land and the purchase or taking of the said private ways, easements or servitudes, and for all liabilities incurred and expenditures to be made by virtue of this act.

Amount appropriated for the purchase of lands, &c.

6. *And be it enacted*, That this act be a public act and take effect immediately.

Approved April 21, 1887.

## CHAPTER CLXI.

An Act to enable cities to borrow money for the purpose of paying for schools already erected or in process of erection, and to issue bonds for the same, and to take up bonds already issued in payment or part payment for the same.

Cities authorized to issue bonds for payment of construction of school houses.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the mayor and common council or board of aldermen or other governing body of any city in this state in which any public school house is now in process of erection or already erected, to issue coupon bonds for the payment of the total cost of the construction and furnishing of said school-houses, bearing interest at a rate not to exceed five per centum per annum, payable semi-annually; *provided*, the total cost of such school buildings and the furnishing thereof shall not exceed the sum of forty-five thousand dollars.

Proviso.

Bonds how issued and when payable.

2. *And be it enacted*, That said bonds shall be issued under the corporate seal of said city and the signature of its mayor, and shall be payable at such times, not to exceed thirty years from the date of issue, as may be deemed expedient, and shall be issued in such sums as the said council, board of aldermen or other governing body may deem proper.

Bonds not to be sold less than par.

3. *And be it enacted*, That said bonds shall not be sold for less than par value, and that said council, board of aldermen or other governing body shall give public notice by advertisement in at least two newspapers of the time and place at which sealed proposals will be received for the purchase of said bonds, and that said bonds shall, at the time so fixed, be sold to the highest bidder.

Proposals for purchase of bonds to be advertised.

Proceeds of sale of bonds how applied.

4. *And be it enacted*, That the proceeds realized from the sale of said bonds shall be used for the payment of the construction and furnishing of such public school buildings and

no other purpose, and that said council, board of aldermen or other governing body shall have power by ordinance to provide for the payment and redemption of such bonds and interest as the same shall become due, and shall also have power to issue said bonds to holders of other bonds, issued prior to the passage of this act, in payment or part payment of the construction of such school-houses; *provided*, nothing in this act contained shall enable any such council, board of aldermen or other governing body of such city to issue bonds for such purpose in excess of said sum of forty-five thousand dollars. Proviso.

Approved April 21, 1887.

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## CHAPTER CLXII.

A Supplement to an act entitled "An act for the support and improvement of the New Jersey school for deaf mutes," approved March twenty-sixth, one thousand eight hundred and eighty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That to enable the trustees of the New Jersey school for deaf mutes to purchase and repair furniture and school apparatus and other appliances, and to make needed repairs and improvements in the buildings and grounds of the school, there is hereby appropriated the sum of five thousand dollars, the same to be paid from any moneys in the treasury not otherwise appropriated, upon the requisition of the president of the board of trustees. Appropriation.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 21, 1887.

## CHAPTER CLXIII.

A Supplement to an act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Custodians of school moneys of districts to pay to county collector all balances.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on or before the fifteenth day of September in each year it shall be the duty of all township collectors, city treasurers and other persons who may be the custodians of moneys belonging to the several school districts in this state to pay to the county collectors of their respective counties all balances derived from moneys apportioned to said districts by the county superintendents, which may then be in their hands to the credit of said districts,

To report to county superintendent.

and to report forthwith to the county superintendents of their respective counties the amounts thus paid over, and it shall be the duty of each county collector, on or before the first day of October in each year to report to the county superintendent of his county the amount of money received by him by virtue of the provisions of this act, and the

County superintendent to re-apportion amount of money.

county superintendent shall thereupon re-apportion such amount among all the school districts in his county, except as hereinafter provided, and the sums thus re-apportioned shall immediately be returned to the several township collectors, city treasurers and other persons entitled to the custody of the school moneys on the orders of the county superintendent, and shall be available for the then current school year, and the sum thus re-apportioned to any district shall be in addition to and in excess of the sum apportioned to such district by the county superintendent for said school

Proviso.

year; *provided*, that the county superintendent may, for good cause shown, allow the balance due any school district to remain in the hands of the custodian of the school funds

Proviso.

of such district to the credit of such district; *and provided, also*, that in case the county superintendent shall allow any district to retain any such balance, the said district shall not

be included in any such re-apportionment nor entitled to any of the proceeds thereof.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 21, 1887.

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## CHAPTER CLXIV.

### An Act in relation to leasehold estates, and assignments and mortgages thereof.

Deeds, &c. to be void against subsequent judgment creditor, &c., unless acknowledged and recorded within fifteen days after signing.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every deed or other instrument in writing, creating any leasehold estate in any lands, tenements or hereditaments, for a term of years exceeding ten years, which shall hereafter be made and executed, shall be void and of no effect against a subsequent judgment creditor or bona fide assignee or mortgagee, for a valuable consideration, not having notice thereof, unless such deed or instrument of writing shall be acknowledged or proved and recorded, or lodged for that purpose with the clerk of the court of common pleas, or the register of deeds, as the case may be, of the county in which such demised lands, tenements and hereditaments are situated within fifteen days after the time of signing and delivering the same; *provided, nevertheless*, that such deed or instrument of writing shall, as between the parties thereto and their heirs, be valid and operative.

Proviso.

When assignments or transfers of leasehold interests are void, &c.

2. *And be it enacted*, That every assignment or other transfer of any of the leasehold interests mentioned and described in the preceding section of this act which shall hereafter be made and executed, shall be void and of no effect against a subsequent judgment creditor or bona fide assignee or mortgagee, for a valuable consideration, not having notice thereof, unless such assignment or transfer shall be acknowledged or proved and recorded or lodged for that purpose with the clerk of the court of common

pleas or the register of deeds, as the case may be, of the county in which such demised lands, tenements and hereditaments are situated, within fifteen days after the time of signing and delivering the same; *provided, nevertheless,* that such assignment or transfer shall, as between the parties thereto and their heirs, be valid and operative.

Proviso

When deed of mortgage of leasehold estate or assignment is void.

3. *And be it enacted,* That every deed of mortgage, or assignment, or conveyance in the nature of a mortgage of any leasehold estates or interests, mentioned and described in the first section of this act, which shall hereafter be made and executed, shall be void and of no effect against a subsequent judgment creditor or bona fide assignee or mortgagee, for a valuable consideration, not having notice thereof, unless such mortgage or instrument shall be acknowledged or proved according to law, and recorded or lodged for that purpose with the clerk of the court of common pleas, or the register of deeds, as the case may be, of the county in which such lands, tenements and hereditaments are situated, within fifteen days after the time of signing and delivering the same, or before the time of entering such judgment, or of recording or lodging with the clerk or register as aforesaid, the said mortgage or assignment to such subsequent purchaser or mortgagee; *provided, nevertheless,* that such mortgage, as between the parties thereto and their heirs, shall be valid and operative.

Proviso.

Clerks and registers may at the request of the mortgagee record mortgages of leasehold estates, &c.

4. *And be it enacted,* That the clerks of the courts of common pleas of the several counties of this state, and the registers of deeds, as the case may be, may at the request of any mortgagee of such leasehold estates register all mortgages or defeasible deeds in the nature of mortgages of such leasehold estates, lying and being within his county, by entering in fit books provided for that purpose the names of the mortgagor and mortgagee, the date of the mortgage, the mortgage money, and when payable, and the description and boundaries of the lands, tenements and hereditaments mortgaged.

Mortgages assignable.

5. *And be it enacted,* That all such mortgages and all covenants and stipulations therein contained shall be assignable at law by writing in the same manner in which mortgages of freehold estates are assignable, and that the several county clerks and registers of deeds shall record such assignments in the same manner as they are now required to

record assignments of mortgages of freehold estates, and that the record thereof shall have the same effect as is now given by law to assignments of mortgages of freehold estates. Assignments to be recorded.

6. *And be it enacted*, That all acts and parts of acts now in force in relation to the conveyance and mortgaging of freehold estates, and in relation to the recording, registering and assignments thereof, and in relation to the duties of the several county clerks and registers of deeds in reference thereto and their fees therefor shall be applicable to the conveyances, assignments and mortgages of the above-mentioned leasehold estates. Acts now in force made applicable.

7. *And be it enacted*, That all such instruments in writing creating, assigning and mortgaging the leasehold estates hereinabove mentioned, and all assignments of such mortgages shall be recorded by the said clerks of the court of common pleas and registers of deeds as aforesaid in the books provided for the recording and registry of conveyances and mortgages of freehold estates, and that the assignments of mortgages of such leasehold estates shall be recorded in the books provided for recording assignments of mortgages on freehold estates, and that the same shall be recorded by the said clerks and registers in the order in which the same shall have been received by them, in their respective offices, in the same manner as if they were instruments relating to freehold estates. All instruments of writing, mortgaging, creating or assigning leasehold estates to be recorded.

8. *And be it enacted*, That in case any instruments in writing creating, mortgaging, assigning or assigning mortgages of any leasehold estates of the character mentioned in the preceding sections of this act, which shall have been heretofore recorded in the manner provided by this act, all such instruments of writing and the record thereof shall have the same force and effect for all purposes as if the same had been recorded under the provisions of this act and in accordance therewith, and shall be notice of the contents of such instruments to subsequent purchasers, mortgagees and creditors in the same manner and to the same extent as if the same had been recorded under the provisions of this act, and that the records of all such instruments whether heretofore or hereafter made, and the transcripts of such records, certified to be true transcripts by the said clerks or registers, in whose office the record is kept, shall be received Instruments of writing heretofore recorded to have force and effect.

Copy of records to be evidence in courts.

in evidence in any court of this state, and be as good, effectual and available in law as if the original instrument were then and there produced and proved; *provided, however*, that this act or anything contained in or provided for by it, shall not, in any manner, affect the rights of any person, persons or corporation acquired in such leasehold estates prior to the passage thereof.

Proviso.

9. *And be it enacted*, That this act shall take effect immediately.

Approved April 21, 1887.

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## CHAPTER CLXV.

A Supplement to an act entitled "An act relative to guardians and minors," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Chancellor may order guardian to raise loan by bond and mortgage.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when it shall be made to appear to the chancellor, upon the application in the form of a petition of the guardian of minor or minors, lunatics, insane or feeble-minded persons, that the lands or real estate of such persons are likely to be disadvantaged, imperiled or sacrificed by reason of the sale of such lands or real estate, or where for any cause such lands or real estate can be saved to such persons or in any way advantaged by said guardian being able to raise money upon security upon such lands or real estate, it shall be lawful for the chancellor to order and direct that the guardian of such minor or minors, lunatics, insane or feeble-minded persons be authorized to raise a loan or loans, by bond secured by mortgage or other security, upon such lands or real estate for the purpose aforesaid upon such terms as he may determine; the chancellor may make such rules for the regulation of the practice and proceedings under this act as he

Chancellor may make rules and regulations.

may deem necessary or expedient; *provided*, they shall not be inconsistent with the provisions of this act. Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 21, 1887.

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## CHAPTER CLXVI.

An Act to provide for a deficiency in the appropriation for the publication of the laws of one thousand eight hundred and eighty-six in the newspapers.

WHEREAS, By an act of the legislature, approved May twenty-ninth, one thousand eight hundred and eighty-six, the appropriation for publishing the laws in the newspapers was restricted to fifty thousand dollars; *and whereas*, by reason of the unforeseen increase in the number of folios embraced in the laws enacted the said appropriation was inadequate to permit their general dissemination; *and whereas*, under the designation, or at the suggestion, of the governor and comptroller, certain publishers of newspapers published said laws in whole or in part in the expectation that the legislature would indemnify them therefor; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That such newspaper publishers as have thus published the laws of one thousand eight hundred and eighty-six, in whole or in part, under the designation or suggestion of the governor and comptroller, and have not received full compensation therefor, shall be compensated therefor at the rate per folio established by law for publishing the public laws of the state; and the comptroller is hereby authorized and directed to draw his warrants upon the treasury therefor upon satisfactory proof that such publication has been made as aforesaid. Compensation to newsdealers for publishing laws of 1886.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 22, 1887.

## CHAPTER CLXVII.

An Act entitled a supplement to an act entitled "An act to authorize the formation of railroad corporations and regulate the same," approved April second, one thousand eight hundred and seventy-three, which supplement was approved March thirty-first, one thousand eight hundred and eighty-two.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fourteenth section of an act entitled "An act to authorize the formation of railroad corporations and regulate the same," approved April second, one thousand eight hundred and seventy-three, as amended by a supplement to said act, which said supplement was approved March thirty-first, one thousand eight hundred and eighty-two, be and the same is hereby amended so as to read as follows:

Railroads to construct and keep in repair bridges and passages over, under and across public roads or streets, &c.

14. *And be it enacted*, That it shall be the duty of any company incorporated under this act or any company owning, leasing or controlling any right of way for a railroad within this state, which has been graded in whole or in part, but upon which right of way the track or tracks have not been completely laid to construct and keep in repair good and sufficient bridges and passages over, under and across the said railroad or right of way where any public or other road, street or avenue now or hereafter laid shall cross the same, so that public travel on the said road shall not be impeded thereby; and it is further provided that such bridges and passages shall be of such width and character as shall be suitable to the locality in which the same are situated; and also where the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable and convenient wagon ways over, under and across the said railroad, and shall also construct and maintain suitable and proper cattle guards at all road crossings;

Proviso.

*provided, always*, that in case any such railroad shall cross

any streets or highways in any city it shall be either above or below the grade thereof, at such distance as shall not interfere with the free and uninterrupted use of such streets or highways; *provided, further*, that the common council of any city may grant permission to said company to cross such streets or highways at grade if they shall deem it to be the best interest of said city; *and further provided*, that in the event that such company shall not, within a reasonable time after notification from the common council of the city or committee of the township in which such bridges and passages are to be so constructed or repaired, proceed to construct or repair the same as required by this act, the said common council or committee may in the name of such city or township, institute proceedings in the court of chancery against such company to compel the specific performance of the duties imposed upon such company by this section of this act, and in case a decree shall be made against such company, in said proceedings commanding it to specifically perform said duties within a reasonable time to be therein fixed, and such company shall neglect or refuse to specifically perform said duties within said period of time, the chancellor, upon proof of such neglect or refusal may in his discretion issue the state's writ of injunction to restrain said company from the exercise of any franchise or the transaction of any business in this state until said company shall have obeyed the command of said decree, and shall have paid the costs of said proceedings including a reasonable allowance to the counsel of such city or township, to be fixed by the chancellor; *and further provided*, that said council or committee, in the event of the failure of such company to construct or repair such bridges or passages within a reasonable time after notification as aforesaid, may if they shall deem it advisable so to do, proceed themselves to construct or repair such bridges or passages, and when the cost thereof shall have been ascertained the same may be collected of and from said company by said common council or township committee by an action at law in any court of competent jurisdiction.

Proviso.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 28, 1887.

## CHAPTER CLXVIII.

Further Supplement to an act entitled "An act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section twenty-seven of an act, entitled an act to regulate elections, approved April eighteenth, one thousand eight hundred and seventy-six, and which section reads as follows:

Section amended.

"27. *And be it enacted*, That the boards of chosen freeholders of each county, and the common councils or board of aldermen of each city and incorporated town, shall from time to time as occasion shall require, provide and keep in good repair, ballot boxes for the use of each township, ward or election district, which box shall be made one foot in depth, width and length, as near as may be, measuring the same on the exterior thereof, and strapped and secured on each corner thereof with iron or brass, so as to prevent it from being easily broken, and shall have a lid thereto, which shall be fastened with brass or iron hinges; and there shall be on the lid thereof three locks of different construction, so that neither of them can be opened with a key belonging to another of them; and there shall be in the lid thereof an aperture, not larger than shall be sufficient to admit a single closed ballot therein at one time; and the interior of the lid thereof shall be so provided with a bar or bolt that the aperture in the same can be covered thereby, in such manner that when the ballot box shall be locked no ballot or other thing can be inserted in the same," be amended so as to read as follows:

Who to provide ballot boxes.

27. *And be it enacted*, That the boards of chosen freeholders of each county, and the common councils or board of aldermen of each city and incorporated town, shall provide and keep in good repair, ballot boxes for the use of each township, ward or election district, which box shall be made about one foot in depth, width and length, as near as

may be, measuring the same on the exterior thereof, and that the said ballot box be the Hall & Wood ballot box; the same in kind and description as is now provided by the law of the state of Ohio for the city of Cincinnati in that state, and that no sum in excess of twenty-five dollars shall be paid for each ballot box, and that said ballot box shall be furnished to the respective municipalities and townships by the first day of September, anno domini one thousand eight hundred and eighty-seven, and that said ballot box shall have two combination locks the same as are used upon the Hall safe, and one Yale key lock, and a combination of printing roll, a type band, a puncturing point, an inking roll, a pressure roll with the shaft and crank for operating said rolls; it shall have a mechanism adapted to convey a ballot into the boxand print the same in its passage through the feeding rolls, in combination with the printing band, and a puncturing point, to puncture the ballots conveyed into the box, in combination with a registering ballot box, the revolving dial, located outside of the box and actuated by the feeding mechanism, which conveys the ballots into the box, with a knocker also actuated by the mechanism which feeds the ballots to strike said dial, and give audible notice when a ballot is deposited by sounding an alarm by means of a bell attachment, and that said ballot box shall have four French plate glass sides.

Description of ballot boxes to be provided.

Cost of.

2. *And be it enacted*, That all acts or parts of acts inconsistent herewith are and the same are hereby repealed.

Approved April 28, 1887.

## CHAPTER CLXIX.

A Further Supplement to an act entitled "An act for the punishment of crimes" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of of the State of New Jersey*, That section eighty of the act to which this is a supplement be amended to read as follows:

Penalty for rape, &c.

80. *And be it enacted*, That any person who shall have carnal knowledge of a woman forcibly against her will, or who shall aid, abet, counsel, hire, cause or procure any person or persons to commit the said offence, or who, being of the age of sixteen years or over, shall unlawfully and carnally abuse a woman under the age of sixteen years, with or without her consent, shall, on conviction, be adjudged guilty of a high misdemeanor and be punished by a fine not exceeding one thousand dollars or imprisonment at hard labor for any term not exceeding fifteen years, or both.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 28, 1887.

## CHAPTER CLXX.

An Act to provide for the making and collection of benefit assessments for the construction of sewers in the cities of this state in certain cases.

Commissioners to assess benefits.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where in any city sewers have been or may be constructed, forming a trunk line into which lateral sewers may discharge, and through which the surface drainage and sewage of a district may be carried to tide water or other receptacle, it shall and may be lawful in assessing the benefits which have been or may be conferred upon property by the construction of such trunk line of sewers for the commissioners appointed or to be appointed to assess such benefits, to assess the same as follows: such assessments may be made upon all the property benefited and to be benefited within the entire drainage district, and where a direct tapping benefit is or may be secured, either by connecting with the trunk line or lateral sewers already constructed, the assessments when finally confirmed shall be collectable at once, as in other cases, and where the benefit is prospective and depends upon the construction of lateral and connecting sewers not yet built, in every such case the assessments made upon such property shall constitute a first lien thereon at and from the time when the lateral sewer is constructed, connecting the property assessed with such trunk line, and shall be collectable at the same time the benefits assessed thereon for the construction of such connecting lateral sewer is or may be by law collectable, and shall draw interest only from the time the assessment for benefits made upon property along the line of such lateral sewers for the construction thereof is confirmed.

Assessments to be made upon property benefited.

Assessments how collected and to remain a lien.

Commissioners to ascertain benefits to property along line of trunk sewer.

2. *And be it enacted*, That in estimating and ascertaining the proportion of the cost which may be assessed upon property not upon the line of any such trunk sewer or sewers, the said commissioners shall first ascertain the ben-

efits conferred upon property along the line of the same which can connect therewith, and shall deduct the total of such benefits from the entire cost, and they may assess the balance of the cost upon other property benefited and to be benefited by the construction of lateral or connecting sewers so far as the same is or may be peculiarly benefited thereby.

May assess balance of cost upon other property benefited.

When separate assessments shall be made.

3. *And be it enacted*, That if in any case different portions or sections of any trunk line sewers is or may be constructed under different acts, requiring a different disposition of the moneys collected from benefit assessments, that in every such case a separate assessment shall be made for each portion or section in order that a lawful application may be made of the moneys derived from such assessment when received.

Limit of benefit assessments.

4. *And be it enacted*, That in all such cases the benefit assessments so made shall be limited to and shall not exceed the peculiar and special benefit which such lot or parcel of land assessed has received, or will receive when lateral connections are made as aforesaid, and be made as near as may be in proportion to the benefits each shall be deemed to acquire.

5. *And be it enacted*, That this act shall take effect immediately.

Approved April 28, 1887.

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## CHAPTER CLXXI.

An Act to defray the expenses of the special joint committee appointed by virtue of Senate Joint Resolution number seven, of one thousand eight hundred and eighty-six, to consider the propriety of establishing a prison for female convicts and reformatory for women.

Appropriation to pay expenses.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of eight hundred and ninety-four dollars be and the same is hereby appropri-

ated to defray the expenses of the committee appointed by virtue of Senate Joint Resolution number seven, to consider the propriety of establishing a prison for female convicts and reformatory for women.

2. *And be it enacted*, That the treasurer of this state be and he is hereby directed to pay the aforesaid sum to the chairman of the said joint committee, to defray the expenses of the said committee. State treasurer to pay amount.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 28, 1887.

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## CHAPTER CLXXII.

A Further Supplement to an act entitled "An act to authorize cities to construct sewers and drains, and to provide for the payment of the cost thereof," approved March eighth, one thousand eight hundred and eighty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first subdivision of the second section of the act to which this is a supplement be and the same is hereby amended to read as follows: Subdivision of section amended.

That whenever a petition in writing of any owners of property interested shall be presented to the board of aldermen of any city in this state asking for the construction of a sewer or drain in any particular section of said city, it shall be lawful for such board to adopt a resolution declaring its intention to cause such sewer or drain to be constructed, and if it shall be necessary, in the opinion of the board of aldermen, to construct such sewer or drain upon or across any private lands, then it shall also be lawful for said board to include in said resolution a brief description of the proposed location upon private lands of such sewer or drain; and the said board shall forthwith cause public notice of such intention to be given by the city clerk, or Upon presentation of petition of owners of property, board of aldermen to adopt resolution of intention to construct sewer or drain.

other designated officer, in two or more newspapers printed or circulating in such city, for the space of ten days, briefly describing the proposed work, and requesting such persons as may object thereto to present their objections, in writing, at or before the expiration of ten days from the date of such notice, to the officer signing the same; and if persons owning or representing more than one-half of the lineal frontage of land along the street or streets, or part or parts thereof, through which it is proposed to construct any lateral sewer or drain, and of the private lands upon or across which it is proposed to construct the same, shall so present their objections in writing, then such proceedings shall cease; but otherwise, and after the expiration of said ten days, it shall be lawful for such board to adopt an ordinance for the construction of such sewer or drain, to award contracts for the same, or for any part or section thereof, and to take all necessary steps for properly carrying into effect the desired improvement.

Owners of more than one-half of linal frontage objecting, all proceedings shall cease.

Board of aldermen may acquire lands for the construction of sewer or drain.

2. *And be it enacted*, That whenever any board of aldermen shall have adopted an ordinance for the construction of any sewer or drain upon or across any private lands as aforesaid, it shall be lawful for said board to acquire said lands in the corporate name of the city, in fee simple, or to acquire any estate less than a fee simple therein, according as the said board shall deem the interests of the city shall require; the said board are hereby authorized to treat with the owner or owners of such lands for an estate in fee simple, or for any less estate therein, and to make such compensation therefor as they shall deem reasonable, and thereupon shall receive from such owner or owners a conveyance of such lands or estate therein to the city.

Proceedings in case no agreement can be made with owners of land, &c.

3. *And be it enacted*, That in case no agreement can be made with the owner or owners of any such lands as aforesaid as to the amount of compensation to be paid for such lands or for such estate therein as aforesaid, by reason of the unwillingness of said owners, or any of them, to accept such compensation as said board may deem reasonable, or by reason of the absence from this state or legal incapacity of said owners, or any of them, or by reason of any owner being unknown, it shall be the duty of the circuit court of the county in which the city wherein it is proposed to construct such sewer or drain is situate, upon application to

said court by said board, after ten days' previous notice in writing of such application to the persons interested, if known and in this state, served in person or by leaving at the dwelling house or usual place of abode of such owner or owners, or, if unknown or absent from this state, or under age or other legal disability, after publication thereof for any term not less than ten days in a newspaper published in such city, which notice shall set forth in general terms a description of the lands required or in which such estate as aforesaid is required, to appoint three disinterested appraisers from the county wherein such city is situate to determine the compensation to be paid for such lands or for such estate therein; and it shall be the duty of said appraisers to meet at such time and place as the court by its order shall appoint, and after having taken an oath or affirmation faithfully and impartially to discharge the duties herein reposed in them, and after having carefully viewed the premises and given a hearing to all interested parties who shall appear before them and desire to be heard, within ten days after such meeting, to deliver to the city clerk a written appraisement, under the hands and seals of them, or a majority of them, of the award they have made, containing a full description of the lands in which such estate in fee simple or such less estate as aforesaid shall be required; the city clerk shall deliver the said appraisement to said board of aldermen at its next meeting after the same shall be delivered to him, and the said board shall thereupon cause the same to be recorded in the office of the registry of deeds for the county, and may thereupon order the city treasurer, or other proper officer, to make or tender payment of the sums awarded in such appraisement to the respective owners of lands therein mentioned, and after such payment or tender of payment the said board, their agents and workmen, shall have power to enter upon and take possession of said lands for the purposes aforesaid; and in case any owner or owners of lands shall refuse to accept such payment upon tender made, or be under age or other legal disability, or be unknown or absent from the state, then and in such case it shall be sufficient for said city treasurer or other officer to pay the amount of the award to any such owner into the circuit court of the county in which such city is situate, subject to the order of said court, for

the use of the party or parties entitled to the same; the costs of all proceedings in said circuit court shall be paid out of the city treasury.

Proceedings in case board of aldermen or owners of land are dissatisfied with award of appraisers.

4. *And be it enacted*, That in case the board of aldermen, or the owner or owners of said land or any of them, shall be dissatisfied with the award of the appraisers made as aforesaid, and shall apply to the circuit court at the next term after the said award shall be delivered to the said board, the court shall have power, upon good cause shown, to set the same aside, and thereupon to direct a proper issue for the trial of the said controversy to be formed between the said parties, and to order a jury to be struck, a view of the premises to be had, and the said issue to be tried at the same or at any subsequent term of said circuit court, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or estate therein required and the damages sustained, and if they shall find a greater sum than the said appraisers shall have awarded in favor of the said owner or owners, then judgment therefor, with costs, shall be entered against the city and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same or a less sum than the appraisers shall have awarded, then the said costs shall be paid by the said applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the court shall direct: but such application shall not prevent the workmen and agents of the city from entering upon any such lands and constructing a sewer or drain thereon upon the award of the appraisers; *provided*, the amount of the award shall first be paid, or, in case the said award will not be received by said owner or owners upon a tender thereof, or the owner or owners are under a legal disability or absent from the state, or unknown, then provided, such award be first paid into the circuit court of the county for the use of such owner or owners.

Proviso.

Cost of lands acquired to be deemed part of cost of construction of sewer or drain.

5. *And be it enacted*, That the cost of the lands or estates therein acquired under the provisions of this act shall be deemed and taken to be a part of the cost of constructing such sewer or drain as aforesaid, and that temporary improvement certificates may from time to time be issued for

the purpose of raising funds to pay for such lands and estates therein, in the same manner and of the same effect as certificates are authorized to be issued by the act to which this is a supplement for the payment of the work as it progresses.

Term how construed.

6. *And be it enacted*, That the term "board of aldermen," when used in this act, shall be held to include the common council or other municipal body charged by law for the construction of sewers in any of the cities of this state.

7. *And be it enacted*, That this act shall take effect immediately.

Approved April 28, 1887.

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## CHAPTER CLXXIII.

An Act for the promotion of industrial education.

Appropriation by the state toward establishing a school for industrial education in school districts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever in any school district in this state there shall have been raised by special school tax or by subscription, or both, a sum of money not less than one thousand dollars for the establishment in such district of a school or schools for industrial education, or for the purpose of adding industrial education to the course of study now pursued in the school or schools of such district, there shall be appropriated by the state, out of the income of the school fund, an amount equal to that appropriated by the district as aforesaid; and when such school or schools shall have been established in any district, or said industrial education has been introduced into the course of study in the school or schools of any district, there shall be appropriated by the state for the maintenance and support thereof a sum of money equal to that appropriated each year by the district for such purpose; *provided*, that the moneys appropriated by the state as aforesaid to any school district shall not exceed in any one year the sum of five thousand dollars.

Proviso.

Trustees of district to make annual report.

2. *And be it enacted*, That the trustees of any district in this state receiving an appropriation under the provisions of this act shall annually, on or before the first day of September, make a special report to the superintendent of public instruction of the progress of industrial education in such district and such other information in connection therewith as he may require.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 28, 1887.

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## CHAPTER CLXXIV.

A Further Supplement to an act entitled "An act concerning corporations," approved April seventh, eighteen hundred and seventy-five.

Corporations authorized to lay pipes and conduits in streets, road, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any company which shall be organized by virtue of the act to which this is a supplement, for the purpose of producing and distributing steam heat or power, shall have full authority to lay the necessary pipes and conduits beneath the public roads, highways, streets, avenues and alleys in this state; *provided, however*, that said pipes and conduits shall be laid at least two feet below the surface of the same, and shall not in any wise unnecessarily obstruct or interfere with public travel, or damage public or private property; *and provided, also*, that the consent of the board of aldermen, common council or other legislative body of any such cities, towns or townships wherein or through which it is contemplated to lay such pipes and conduits beneath such public roads, highways, streets, avenues or alleys, shall first and as a condition precedent be obtained before any of such public roads, highways, streets, avenues or alleys shall be disturbed, opened or dug up, such consent of such board to be by ordinance of such board duly adopted; that such use of public streets

Proviso.

Proviso.

or highways in any of the cities, towns or townships of this state shall be subject to such regulations and restrictions as may be imposed by the common council, board of aldermen or other legislative body of such cities, towns or townships, and that the portions of the surfaces of the streets disturbed in laying the said pipes shall be immediately restored to their original condition, and that any pavements which are removed for the purpose of laying or repairing the pipes shall be restored in as good condition as they were previous thereto, and so maintained for six months after the completion of the works, and in case of failure on the part of the owners of said pipes to so restore and maintain the same, the street commissioner or other officer having supervision of the streets may properly restore and maintain the same, and the cost thereof may be recovered by the city from the owners of said pipes in any court of competent jurisdiction.

Pipes and conduits how laid.

2. *And be it enacted*, That any pipes or conduits laid in any of the public roads, highways, streets, avenues and alleys to be used for conveying steam heat or power shall be laid at a distance not less than three (3) feet from the outside of any water or gas pipe already laid, except in cases where it shall be necessary that said pipes or conduits shall cross any such water or gas pipe and then said pipes or conduits shall be at least twelve (12) inches distant from the outside of any water or gas pipes already laid.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 30, 1887.

## CHAPTER CLXXV.

An Act relating to street railways within incorporated towns and boroughs in this state.

Street railway companies may construct and operate street railways upon and along turnpike roads within the limits of towns or boroughs.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any street railway company duly organized pursuant to the law may construct and with horses may operate street railways for the transporting of passengers and chattels for hire upon and along such portion of any turnpike road as enters and is located within the limits of any incorporated town or borough in this state, and upon and along such portion of such turnpike as extends outside such limits for the distance of thirteen hundred yards in either direction, after having obtained the consent of the owners of such turnpike so to do; *provided*, that an ordinance or resolution authorizing the construction of such railway shall have been first passed or adopted by the commissioners of any such town or borough, and that the written consents of not less than two-thirds of all the persons owning lands abutting on such portion of such turnpike in each and every incorporated town or borough shall have been first obtained and filed in the office of the clerk of the county wherein such portion of such turnpike is situate.

Proviso.

Turnpike or plank road companies may sell, assign and convey portion of road, &c.

2. *And be it enacted*, That any turnpike or plank road company may sell, convey, assign and by written instrument of conveyance transfer and set over to any such street railway company any such portion of any such turnpike or plank road, together with all rights, title and interest to and in such turnpike or plank road, together with all franchises and appurtenances thereto pertaining, including the right to impose and collect tolls thereon, whereof such turnpike or plank road company shall be seized enfranchised or invested, and any such street railway company may purchase, acquire title to, and hold and enjoy the same, and may become invested and enfranchised with, and may exercise all such franchises and rights, to the same extent, and fully and

Upon purchase railway companies to be invested with all rights, &c.

in similar manner, as theretofore held, enjoyed and exercised by such turnpike or plank road company, and subject to the same penalties and liabilities thereto attached for failure to maintain such road in good condition and repair; *provided*, that the provisions of this section shall not take effect until the provisions of the first section shall have been fully complied with. Proviso.

3. *And be it enacted*, That the track and road bed of any such street railway upon such turnpike road shall be constructed in such manner as shall offer no unnecessary obstruction to travel upon such turnpike, and where any repairs thereto may afterwards become necessary it shall be the duty of such street railway company to make the same without delay, and if not so made, and after five days' notice shall have been given to such company, the commissioners of the town or borough wherein such repairs may be necessary may cause the same to be made at the expense and charge of such street railway company; nothing in this act contained shall apply to any street railway within any city of this state, and the property of such street railway company shall be liable to distraint therefor. Track constructed on road not to obstruct travel on turnpike, &c. Act not to apply.

4. *And be it enacted*, That all laws and parts of laws conflicting herewith, in so far as they conflict herewith, are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved April 30, 1887.

## CHAPTER CLXXVI.

A Further Supplement to an act entitled "An act for the government and regulation of the state prison," approved April twenty-first, one thousand eight hundred and seventy-six.

All goods, wares and merchandise made in the state prison to be stamped.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of every contractor carrying on in the State Prison any manufacturing business in which the labor or skill of the prisoners is employed whether under contract or otherwise, and of the manager or superintendent in charge for such contractor to cause all goods, wares, and merchandize made in whole or in part, within said prison and which are intended for sale, to be stamped in a legible and conspicuous manner with the words "manufactured in the New Jersey state prison;" *provided*, that whenever from the nature of any of the articles made or manufactured in the said prison it shall be impracticable to stamp each article, or if any articles shall be manufactured which are usually put up in packages, it shall be sufficient for the purposes of this act to put a stamp, label or tag upon such packages, showing where such articles were made; *provided*, that said tag, stamp or label shall be put on said package in a good, lasting and permanent manner, and it shall be the duty of the principal keeper, supervisor and board of inspectors to insert in every contract for convict labor hereafter made on behalf of the state such terms, covenants and provisions as will bind the contractor to comply with the requirements of this act; any contractor, manager or superintendent who shall wilfully violate the provisions of this act shall be guilty of a misdemeanor.

Proviso.

Proviso.

Provisions of act not to apply to articles manufactured under existing contracts.

2. *And be it enacted*, That all acts or parts of acts, inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately, but the provisions of this act shall not apply to articles manufactured under any contract now in existence.

Approved April 30, 1887.

## CHAPTER CLXXVII.

A Supplement to an act entitled "A general act relating to factories and workshops, and the employment, safety, health and work hours of operatives," approved April seventh, one thousand eight hunred and eighty-five.

Occupier of factory to notify inspector.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every person shall within one month after he begins to occupy a factory or workshop, notify one of the factory inspectors of such occupancy.

Section amended.

2. *And be it enacted*, That section two of the act to which this is a supplement be amended to read as follows:

Accidents to be reported

2. *And be it enacted*, That all accidents in workshops, factories or mines, which prevent the injured person or persons from returning to work within two weeks, or which result in death, shall, within twenty-four hours after the expiration of such two weeks, or after the death, as the case may be, be reported by the person in charge of such workshop, factory or mine, to one of the factory inspectors and to the city or district physician, where there is such an officer, which notice may be given by mail.

Section amended.

3. *And be it enacted*, That section six of the act to which this is a supplement be amended to read as follows:

Minors or women not to clean mill gearing or machinery.

6. *And be it enacted*, That no minor or woman shall clean any part of the mill gearing or machinery in any factory or workshop while the same is in motion, or work between the fixed or traversing parts of any machine while it is in motion by the action of steam, water or other mechanical power.

Factories, &c., of two or more stories in height to be provided with outside fire escapes.

4. *And be it enacted*, That all factories, manufacturing establishments or workshops of two or more stories in height, in which thirty or more persons are employed above the first floor thereof, shall be provided with one, or (if the proper officials deem necessary) more outside iron fire escapes, not less than six feet in length and three feet in width, properly and safely constructed, guarded by iron railings not less than three feet in height, and taking in at least two windows at each story, and connected with the

interior by easily accessible and unobstructed openings; and the said fire escapes shall connect by iron stairs not less than twenty-four inches wide, the steps to be not less than six inches tread, placed at not more than an angle of forty-five degrees slant, and protected by a well secured hand rail on both sides, with a twelve-inch wide drop ladder from the lower platform, reaching to the ground.

Rope or portable fire escapes to be constructed.

5. *And be it enacted*, That for every twenty persons employed on every floor above the second floor of every factory and workshop there shall be one rope or portable fire-escape, and that each story shall be amply supplied with means for extinguishing fire.

Main doors to open outwardly, &c.

6. *And be it enacted*, That all the main doors, both inside and outside, in factories, shall open outwardly, when the inspectors of factories, in writing, so direct, and that no outside or inside door of any building, wherein operatives are employed, shall be so locked, bolted or otherwise fastened during the hours of labor, as to prevent egress.

No minor to be employed at work dangerous to health.

7. *And be it enacted*, That no minor below the age of sixteen shall be employed at any work dangerous to health, without a certificate of fitness from a reputable physician.

Factories, &c. to be limewashed or painted.

8. *And be it enacted*, That factories and workshops in which women and children are employed and where dusty work is carried on shall be limewashed or painted at least once in every twelve months.

Abstract of laws to be affixed at entrance, &c.

9. *And be it enacted*, That an abstract of the factory and workshop laws, to be prepared and furnished by the chief factory inspector, shall be affixed in a conspicuous place at the entrance of every factory and workshop.

When inspector of factories to notify proprietor to make alterations or additions, &c.

10. *And be it enacted*, That if the inspector of factories find that the heating, lighting, ventilation or sanitary arrangement of any shop or factory is such as to be injurious to the health of persons employed therein, or that the means of egress, in case of fire or other disaster, is not sufficient, or that the belting, shafting, gearing, elevators, drums and machinery in shops and factories are located so as to be dangerous to employees and not sufficiently guarded, or that the vats, pans or structures filled with molten metal or hot liquid are not surrounded with proper safeguards for preventing accident or injury to those employed at or near them, he shall notify the proprietor of such factory or workshop to make the alterations or additions necessary within

thirty days; and if such alterations or additions are not made within thirty days from the date of such notice or within such time as said alterations can be made with proper diligence upon the part of said proprietors, said proprietors or agents shall be deemed guilty of violating the provisions of this act; it shall then be the duty of the inspectors to examine the matter in dispute, and, if adverse to the appellant, he shall carry out the alterations or additions directed by said inspectors within thirty days, as aforesaid, and under the like penalty.

Section amended

II. *And be it enacted*, That section fifteen of the act to which this is a supplement be amended to read as follows:

Penalty for violating provisions of act and how recovered, &c.

II. *And be it enacted*, That any person or corporation, being the owner, lessee or occupant of any manufacturing establishment, factory, mine, workshop or store, or owning or controlling the use of any building or room, shall, for the violation of any provision of this act, or of the act to which this is a supplement, be liable to a penalty of fifty dollars for each offence, to be recovered in an action of debt in any district court in any city, or before any justice of the peace having due jurisdiction, and that any employee who shall be guilty of any violation of the provisions of this act shall be liable in a like action to a penalty of not more than fifty dollars, as the court shall fix; that such action shall be prosecuted in the name of the inspector of factories; the trial shall proceed as other actions upon contract, and the first process shall be a summons, returnable in not less than five days or more than ten days after issue, and it shall not be necessary to indorse the same as in qui tam actions; the finding of the court shall be that the defendant has or has not, as the case may be, incurred the penalty claimed in the demand of the plaintiff, and judgment shall be given accordingly; in case an execution shall issue and be returned unsatisfied, the court, on application, after notice to the defendant, may award an execution to take the body of the defendant, and in case such a defendant is committed under such an execution, he shall not be discharged under the insolvent laws of the state, but shall only be discharged by the court making the order for the body execution, or one of the justices of the supreme court, when such court or justice shall be satisfied that further confinement will not accomplish the payment of the judgment and cost.

12. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act be and are hereby repealed.

Approved May 6, 1887.

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## CHAPTER CLXXVIII.

An Act concerning the court of pardons.

Records of court to be open to public inspection.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the records of the court of pardons shall be public records and open to the inspection of the public in the same manner as records of other courts in this state.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 6, 1887.

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## CHAPTER CLXXIX.

An Act to allow certain persons to trap hare or rabbit.

Owners of farms may permit the catching of hare or rabbit.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any person owning or in possession of any farm, to permit the catching of hare commonly called rabbit, in box traps, by any person connected with his household and under the age of fifteen years, within the limits of such farm during the time in which it is now or may hereafter be lawful to shoot the same.

2. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Approved May 6, 1887.

## CHAPTER CLXXX.

**An Act to defray the incidental expenses of the legislature of New Jersey for the session of one thousand eight hundred and eighty-seven.**

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the treasurer of the state of New Jersey to pay, upon warrant of the comptroller, to the several persons hereinafter named, the following amounts, viz: State treasurer authorized to pay certain sums.

Item No. 1.—To Josiah Jones, Junior, for counsel fees and expenses, in contested election case of Josiah Jones, Junior, versus Frederick Walter, session of one thousand eight hundred and eighty-seven, five hundred dollars, $500 00

Item No. 2.—To Frederick Walter, for counsel fees and expenses, in contested election case of Frederick Walter versus Josiah Jones, Junior, session of one thousand eight hundred and eighty-seven, five hundred dollars, $500 00

Item No. 3.—To Herbert W. Knight, for stenographic services rendered to committee on elections, reporting and transcribing testimony taken in Haines and Turley contested election case, session of one thousand eight hundred and eighty-seven, one thousand dollars, $1000 00

Item No. 4.—To MacCrellish & Quigley, stationery, and so-forth, to clerk's department, session of one thousand eight hundred and eighty-seven, one hundred and thirty-six dollars and sixty cents, $136 60

Item No. 5.—To John Hunt, to services rendered committee on election in case of Haines versus Turley, session of one thousand eight hundred and eighty-seven, fifty dollars (Not approved), $50 00

Item No. 6.—To Herbert W. Knight, for services rendered as clerk to election committee contes-

ted election case Haines versus Turley, session one thousand eight hundred and eighty-seven, one hundred and fifty dollars, $150 00

Item No. 7.—To J. J. Maher, to services rendered to election committee in case of Haines versus Turley, session of one thousand eight hundred and eighty-seven, seventy-six dollars and seventy cents (Not approved), 76 70

Item No. 8.—To George T. Haines, for counsel fees and expenses, such as a recount of ballots, examination before committee, and master and argument before committee, in the contested election case of Haines versus Turley, session of one thousand eight hundred and eighty-seven, two thousand dollars, $2000 00

Item No. 9.—To MacCrellish & Quigley, to stationery, and so-forth, to Speaker's department, session of one thousand eight hundred and eighty-seven, ninety-two dollars, $92 00

Item No. 10.—To T. J. Cummings, to services rendered as Assistant Engrossing Clerk, as per resolution House of Assembly, session of one thousand eight hundred and eighty-seven, three hundred and fifty dollars (Not approved), $350 00

Item No. 11.—To William C. Ashley, to services to committee on labor and industries, as per resolution House of Assembly, session of one thousand eight hundred and eighty-seven, three hundred and fifty dollars (Not approved), $350 00

Item No. 12.—To M. Hennessey, to services rendered Committee on Election, case of Haines versus Turley, session of one thousand eight hundred and eighty-seven, seventy dollars and ten cents (Not approved), $70 10

Item No. 13.—To Frank Gulick, to services rendered to committee on Municipal Corporations, as per resolution House of Assembly, session of one thousand eight hundred and eighty-seven, three hundred and fifty dollars (Not approved), $350 00

Item No. 14.—MacCrellish & Quigley, to incidental expenses for Engrossing Clerk's department, session of one thousand eight hundred and

eighty-seven, twenty-two dollars and seventy cents, $22 70

Item No. 15.—To James C. Clarke, to services rendered as clerk to the committee on taxation, as per resolution House of Assembly, session of one thousand eight hundred and eighty-seven, three hundred dollars, $300 00

Item No. 16.—Josiah W. Wright, to making plans to ventilate Senate chamber, by order of Senaator George O. Vanderbilt, to session of one thousand eight hundred and eighty-six, twenty dollars, $20 00

Item No. 17.—To Naar, Day & Naar, for stationery furnished the sergeant-at-arms of House of Assembly, session of one thousand eight hundred and eighty-seven, eighteen dollars and ten cents, $18 10

Item No. 18.—To MacCrellish & Quigley, stationery furnished members, as per resolution by the House of Assembly, session of one thousand eight hundred and eighty-seven, one hundred and sixty-five dollars and sixty cents, $165 60

Item No. 19.—To Fred. W. Gnichtel, to services rendered special committee to investigate railroad strikes, session of one thousand eight hundred and eighty-seven, two hundred and twenty-one dollars and sixty cents, $221 60

Item No. 20.—To chairman of special joint committee on reception of Massachusetts legislature, session of one thousand eight hundred and eighty-seven, eighty-nine dollars and ninety-five cents, $89 95

Item No. 21.—To John L. Murphy publishing company, one ivory gavel, session of one thousand eight hundred and eighty-seven, twenty-five dollars, $25 00

Item No. 22.—To W. S. Runkle, to services rendered as clerk to committee on corporations and committee on railroads and canals, as per resolution house of assembly, session of one thousand eight hundred and eighty-seven, three hundred and fifty dollars (Not approved), $350 00

Item No. 23.—To Benjamin Earle, to services as page, opening session of one thousand eight hundred and eighty-seven, ten dollars, $10 00

Item No. 24.—To MacCrellish and Quigley, to articles furnished sergeant-at-arms, session of one thousand eight hundred and eighty-seven, seven dollars and forty cents, $7 40

Item No. 25.—To William Errickson, for engrossing concurrent resolution relating to life saving crew at Barnegat City, New Jersey, session of one thousand eight hundred and eighty-six, sixty-four dollars, $64 00

Item No. 26.—To James Conley, as clerk to the committee on revision of laws, one thousand eight hundred and eighty-seven, three hundred dollars, $300 00

Item No. 27.—To Samuel Toombs, for furnishing calendars and books for the clerk of the house, session of eighteen hundred and eighty-seven, one hundred and nineteen dollars, $119 00

Item No. 28.—To Margaret Shockley, for services rendered in washing towls for the house of assembly session of one thousand eight hundred and eighty-seven, seventy-five dollars, $75 00

Item No. 29.—To MacCrellish & Quigley, for five hundred subpœna blanks, session one thousand eight hundred and eighty-seven, three dollars and twenty-five cents, $3 25

Item No. 30.—To Frank Daly, for services rendered election committee, in contested election case Haines versus Turley, one thousand eight hundred and eighty-seven, seventy dollars (Not approved), $70 00

Item No. 31.—To MacCrellish & Quigley, to stationery and so-forth furnished election committee, session one thousand eight hundred and eighty-seven, twenty-three dollars and seventy-five cents, $23 75

Item 32.—To John Ginder, for ten days' services as assistant sergeant-at-arms of the house of assembly, session one thousand eight hundred and eighty-seven, one hundred dollars (Not approved), $100 00

Item No. 33.—To Asher E. Lambert, for services rendered, repairing furniture, making racks, files and so-forth, for house of assembly and senate, session one thousand eight hundred and eighty-seven, fifty dollars (Not approved), $50 00

Item No. 34.—To Frank E. Baker, for services rendered as assistant journal clerk, opening session of one thousand eight hundred and eighty-seven, ten dollars. $10 00

Item No. 35.—To Thomas Flynn, for services rendered as clerk of committee on engrossed bills, as per resolution of the house of assembly, session of one thousand eight hundred and eighty-seven, five hundred dollars (Not approved), $500 00

Item No. 36.—To John L. Murphy Publishing Company, for six dozen cases for weekly minutes, session of one thousand eight hundred and eighty-six, forty-three dollars and fifty cents, $43 50

Item No. 37.—To Henry Turley, for counsel fees and expenses, such as re-count of ballots, examination before commission and masters and argument before committee, in the contested election case of Turley versus Haines, session of one thousand eight hundred and eighty-seven, fifteen hundred dollars, $1500 00

Item No. 38.—To John F. Burton, for services rendered keeper of ladies' gallery house of assembly, session of one thousand eight hundred and eighty-seven, one hundred dollars (Not approved), $100 00

Item No. 39,—Aaron Hawkyard, for services rendered election committee in contested election case of Jones versus Walter, session of one thousand eight hundred and eighty-seven, fifty dollars, $50 00

Item No. 40.—To George W. Colfax, for services as sergeant at arms of the election committee in contested election cases, session of one thousand eight hundred and eighty-seven, seventy-five dollars, $75 00

Item No. 41.—To P. H. Cornish, for services rendered to the election committee in contested election case of Haines versus Turley, session of one thousand eight hundred and eighty-seven, seventy-six dollars and fifty cents (Not approved), $76 50

Item No. 42.—To the New Jersey Unionist, for stationery, and so-forth, furnished clerk of assembly, session of one thousand eight hundred and eighty-seven, seventy-five dollars and sixty-two cents, $75 62

Item No. 43.—To Mervyn Armstrong, Junior, for services rendered as clerk to the committee on bill revision, as per resolution of house of assembly, session of one thousand eight hundred and eighty-seven, three hundred dollars, $300 00

Item No. 44.—To the John L. Murphy Publishing Company, for advertisement for bills session of one thousand eight hundred and eighty-seven, two dollars, $2 00

Item No. 45.—To B. F. Methoen, for bill files furnished house of assembly and senate, session of one thousand eight hundred and eighty-seven, sixty-seven dollars and fifty cents, $67 50

Item No. 46.—To E. G. Kern, for services rendered the speaker as private secretary, session of one thousand eight hundred and eighty-seven, one hundred dollars (Not approved), $100 00

Item No. 47.—To Naar, Day & Naar, for stationery and so-forth furnished engrossing clerk, session of one thousand eight hundred and eighty-seven, thirteen dollars and fifty cents, $13 50

Item No. 48.—To Thomas F. Fitzgerald, for sixty-five manuals furnished the legislature, session one thousand eight hundred and eighty-seven, sixty-five dollars, $65 00

Item No. 49.—To James B. Disbrow, to services rendered in cleaning spittoons and closets, session one thousand eight hundred and eighty-seven, one hundred and fifty dollars, $150 00

Item No. 50.—To John L. Murphy Publishing Company, for stationery furnished the speaker

of the house of assembly, session one thousand eight hundred and eighty-seven, one hundred and twenty-eight dollars and fifty cents, $128 50

Item No. 51.—To Sutphen & Larue, for coaches furnished the legislature to and from deaf and dumb institution, session one thousand eight hundred and eighty-seven, sixty-five dollars, $65 00

Item No. 52.—To Naar, Day & Naar, for stationery and so forth furnished engrossing clerk of house of assembly, session of one thousand eight hundred and eighty-seven, one hundred and fifty-five dollars and eighty-five cents, $155 85

Item No. 53.—To the Foye Letter File, Cabinet and Index Company, for files furnished the legislature, session of one thousand eight hundred and eighty-seven, four hundred and thirteen dollars and eighty cents, $413 80

Item No. 54.—To Ellen Meley, for services rendered in cleaning senate and assembly chambers, and so-forth, session of one thousand eight hundred and eighty-seven, two hundred dollars (Not approved), $200 00

Item No. 55.—To the John L. Murphy Publishing Company, for stationery, and so-forth, furnished election committee, session of one thousand eight hundred and eighty-seven, fifteen dollars and eighty-one cents, $15 81

Item No. 56.—To Thomas K. Johnston, for parchment rolls and preparing oaths of officers and members of senate and general assembly, session of one thousand eight hundred and eighty-seven, fifty dollars, $50 00

Item No. 57.—To Naar, Day & Naar, for stationery and so-forth, furnished sergeant-at-arms house of assembly, session of one thousand eight hundred and eighty-seven, one hundred and seventy-one dollars, $171 00

Item No. 58.—To T. J. McDonald, for disbursements committee on strikes, session one thous- eight hundred and eighty-seven, one hundred and eighty-eight dollars and seventy cents, $188 70

Item No. 59.—To T. J. McDonald, for railroad fares and maintaining assistants to election committee on contested election case of Haines versus Turley, session of one thousand eight hundred and eighty-seven, forty dollars and eighty cents, $40 80

Item No. 60.—To T. J. McDonald, for postage stamps and express charges, session of one thousand eight hundred and eighty-seven, fifty-two dollars and fifty-five cents, $52 55

Item No. 61.—To T. J. McDonald, for expenses in the contested election case, Jones versus Walter, session of one thousand eight hundred and eighty-seven, sixteen dollars and sixty-five cents, $16 55

Item No. 62.—To T. J. McDonald, for extra services rendered committee on contested election cases, Haines versus Turley, Jones versus Walter, senatorial contest and labor investigation, session of one thousand eight hundred and eighty-seven, four hundred dollars, $400 00

Item No. 63.—To John Mullins & Co., for desks and expressage, session of one thousand eight hundred and eighty-seven, forty-six dollars and ninety-five cents, $46 95

Item No. 64.—To John McKechney, for services in attending fires in the senate and assembly chambers and the president's and speaker's rooms, and ventilating the same during the session of one thousand eight hundred and eighty-seven, one hundred dollars (Not approved), $100 00

Item No. 65.—To John McKechney, for services in attending fires in the senate and assembly chambers and the president's and speaker's rooms, and ventilating the same, during session of one thousand eight hundred and eighty-six, one hundred dollars (Not approved), $100 00

Item No. 66.—To Timothy C. Long, for services rendered committee on labor strikes, cleansing city hall at Jersey City, and attendance on committee, session of one thousand eight hundred and eighty-seven, twenty-five dollars, $25 00

Item No. 67.—To Mary Still, for washing towels for senate chamber, session of one thousand eight hundred and eighty-seven, fifty dollars, $50 00

Item No. 68.—To John W. Simmons, for services as sergeant-at-arms from January eleventh to February, four weeks, and fare on railroads, session of one thousand eight hundred and eighty-seven, one hundred and fifty dollars (Not approved), $150 00

Item No. 69.—To Reverend C. F. Garrison, for opening house with prayer, adjourned session, June, one thousand eight hundred and eighty-six, ten dollars, $10 00

Item No. 70.—To George Still, for services rendered in cleaning spittoons, lobbies, and so forth, session of one thousand eight hundred and eighty-seven, one hundred and fifty dollars, $150 00

Item No. 71.—To Reverend R. H. Richardson, for opening session of senate January eleventh and eighteenth, and February first, session of one thousand eight hundred and eighty-seven, three weeks, ten dollars a week, thirty dollars, $30 00

Item No. 72.—To Reverend S. M. Studdiford, for opening session of senate February twentieth, session of one thousand eight hundred and eighty-seven, one week, ten dollars a week, ten dollars, $10 00

Item No. 73.—To Enos G. Budd, for services as late sergeant-at-arms of senate, continuous service in office from January eleventh, one thousand eight hundred and eighty-seven, until election of successor, and railroad fare, session of one thousand eight hundred and eighty-seven, one hundred and fifty dollars, $150 00

Item No. 74.—To Charles W. Schanck, for services rendered as clerk to the judiciary committee, as per resolution, session of one thousand eight hundred and eighty-seven, three hundred and fifty dollars (Not approved), $350 00

Item No. 75.—To William H. Whelan, for services rendered as door-keeper, session of one

thousand eight hundred and eighty-seven, one hundred and fifty dollars, $150 00

Item No. 76.—To James Conroy, for services rendered as assistant door-keeper, session of one thousand eight hundred and eighty-seven, one hundred and fifty dollars (Not approved), $150 00

Item No. 77.—To the Jordan Stationery Company, for stationery furnished the sergeant-at-arms, clerk and document clerk and other officers in full for the session one thousand eight hundred and eighty-seven, five hundred dollars, $500 00

Item No. 78.—To A. Kessler, for keys, locks and repairs furnished senate and house of assembly, session of one thousand eight hundred and eighty-seven, thirty-three dollars and twenty-five cents, $33 25

Item No. 79.—To H. F. Smith, for services rendered committee on incidental expenses as clerk, session of one thousand eight hundred and eighty-seven, seventy-five dollars, $75 00

Item No. 80.—To James Moore, for services rendered as extra door-keeper, opening session of one thousand eight hundred and eighty-seven, and serving subpœnas for committee on strikes, session of one thousand eight hundred and eighty-seven, fifty dollars, $50 00

Item No. 81.—To Clarence Sackett, for services rendered election committee, contested election case of Jones versus Walter, as stenographer, session of one thousand eight hundred and eighty-seven, one hundred and twenty-seven dollars, $127 00

Item No. 82.—To Harry Anderson, for services rendered as page in opening session of house of assembly, session of one thousand eight hundred and eighty-seven, ten dollars, $10 00

Item No. 83.—To Titus and Conrad, for carpenter work and material, session of one thousand eight hundred and eighty-seven, eighty-seven dollars and nineteen cents, $87 19

Item No. 84.—To George W. Colfax, for services as sergeant-at-arms house of assembly, opening

session of one thousand eight hundred and eighty-seven, ten dollars, $10 00

Item No. 85.—To Thomas S. Kircher, for five weeks services as door-keeper house of assembly, session one thousand eight hundred and eighty-seven, one hundred dollars (Not approved), $100 00

Item No. 86.—To Richard C. Dillmon, for services as page opening session house of assembly, one thousand eight hundred and eighty-seven, ten dollars, $10 00

Item No. 87.—To Frank Young, for opening session one thousand eight hundred and eighty-seven, ten dollars, $10 00

Item No. 88.—To Joseph C. Burton, for services as page, house of assembly, session one thousand eight hundred and eighty-seven, two hundred dollars (Not approved), $200 00

Item No. 89.—To New Jersey Unionist, for one library inkstand furnished president of the senate, session one thousand eight hundred and eighty-seven, twelve dollars, $12 00

Item No. 90.—To James Donohue, for services rendered as door-keeper, session one thousand eight hundred and eighty-seven, fifty dollars (Not approved), $50 00

Item No. 91.—To James Morrissey, for services as door-keeper session of one thousand eight hundred and eighty-seven, fifty dollars (Not approved), $50 00

Item No. 92.—To Benjamin H. Manning, for services as door-keeper, session of one thousand eight hundred and eighty-seven, fifty dollars, $50 00

Item No. 93.—To James Kennedy, for services as page session of one thousand eight hundred and eighty-seven, fifty dollars (Not approved), $50 00

Item No. 94.—To Leonard Kenyon, for services rendered as door-keeper, session of one thousand eight hundred and eighty-seven, fifty dollars (Not approved), $50 00

Item No. 95.—To MacCrellish and Quigley, one box of pens, one dollar, $1 00

Item No. 96.—To Benjamin F. Lee, services as door-keeper of the senate at opening of session one thousand eight hundred and eighty-seven, ten dollars, $10 00

Item No. 97.—To William M. Pancoast, services as page opening of senate, session one thousand eight hundred and eighty-seven, ten dollars, $10 00

Item No. 98.—To John L. Murphy, stationery, for secretary of senate, session of one thousand eight hundred and eighty-seven, one hundred and ten dollars and forty-five cents, $110 45

Item No. 99.—To John L. Murphy, stationery for engrossing clerk of senate, session of one thousand eight hundred and eighty-seven, one hundred and sixty-seven dollars and fifty cents, $167 50

Item No. 100.—To John L. Murphy, stationery for president of senate, session of one thousand eight hundred and eighty-seven, one hundred and sixty-four dollars and seventy-five cents, $164 75

Item No. 101.—To John L. Murphy, stationery for secretary of senate, session of one thousand eight hundred and eighty-seven, eighty-seven dollars and seventy-five cents, $87 75

Item No. 102.—To B. F. Methoen, bill files for senate, session of one thousand eight hundred and eighty-seven, forty-two dollars and seventy-five cents, $42 75

Item No. 103.—To C. A. Gundaker, bill files for senate, session of one thousand eight hundred and eighty-seven, ninety dollars, $90 00

Item No. 104.—To John L. Murphy, twenty-six bill files for senate, session of one thousand eight hundred and eighty-seven, twenty-six dollars, $26 00

Item No. 105.—To E. A. Miller, assistant sergeant-at-arms of senate, railroad fares, prior to organization of senate, session of one thousand eight hundred and eighty-seven, fifty dollars (Not approved), $50 00

Item No. 106.—To Robert H. Ingersoll, for railroad fare, extra expenses and extra services as assistant journal clerk of senate, session of one

thousand eight hundred and eighty-seven, one hundred dollars (Not approved), $100 00

Item No. 107.—To John L. Murphy, stationery for sergeant-at-arms of senate, session of one thousand eight hundred and eighty-seven, one hundred and fifty-three dollars and fifty-five cents, $153 55

Item No. 108.—To James P. Disbrow, for services rendered in cleaning lobby rooms and cleaning paint in assembly chamber, session of one thousand eight hundred and eighty-seven, fifty dollars, $50 00

Item No. 109.—To F. L. Richardson, sergeant-at-arms of senate, car fare of senators and members visiting state normal school, session of one thousand eight hundred and eighty-seven, six dollars, $6 00

Item No. 110.—To Thomas Carney, services as page at opening of senate, session of one thousand eight hundred and eighty-seven, ten collars, $10 00

Item No. 111.—To W. S. Snyder, assistant engrossing clerk, services at opening of senate, session of one thousand eight hundred and eighty-seven, ten dollars, $10 00

Item No. 112.—To Clinton Cheesman, services as page at opening of house, session of one thousand eight hundred and eighty-seven, ten dollars, $10 00

Item No. 113.—To each clergyman, for opening sessions of the legislature with prayer during session of one thousand eight hundred and eighty-seven, excepting those heretofore named in this act, ten dollars,

Item No. 114.—To Daniel Murray, Thomas Parker, William Knott, Lewis Rumertle, Richard Dilmore and Charles Carson, ten dollars each for car fare prior to receiving passes, session of one thousand eight hundred and eighty-seven, sixty dollars (Not approved), $60 00

Item No. 115.—To Samuel Toombs, for services opening house of assembly, session of one thou-

sand eight hundred and eighty-seven, ten dollars, $10 00

Item No. 116.—To John J. Stanton, services opening house of assembly, session of one thousand eight hundred and eighty-seven, ten dollars, $10 00

Item No. 117.—To John Britt, services rendered in cleaning ice coolers and furnishing ice for house of assembly and senate, session of one thousand eight hundred and eighty-seven, fifty dollars (Not approved), $50 00

Renumber items to read consecutively.

2. *And be it enacted*, That this act shall take effect immediately.

Approved with the exception of items number 5, 7, 10, 11, 12, 13, 22, 30, 32, 33, 35, 38, 41, 46, 54, 64, 65, 68, 74, 76, 85, 88, 90, 91, 94, 93, 105, 106, 114 and 117.

ROBERT S. GREEN,
Governor.

May 6, 1887.

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## CHAPTER CLXXXI.

An Act relative to the publication of the laws of this state in the newspapers.

Public laws to be published.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the public laws of this state passed at each session of the legislature shall be published in the newspapers in the several counties, to be selected and designated as hereinafter provided.

Governor and comptroller to designate newspapers.

2. *And be it enacted*, That the governor and comptroller shall, within ten days after this act shall become a law, and thereafter annually within thirty days after the day fixed in January for the convening of the legislature, select and designate the newspapers to publish the laws upon the following basis:

Number to be selected in each county.

I. To select as many in each county as there are representatives from that county in both branches of the legisla-

ture, not exceeding six, such selection to be of an equal number of newspapers representing each of the two leading political parties, having reference also to such of them as have the larger circulation;

Number to be designated in certain localities.

II. In case after such selection it appears there are any legislative districts in this state in which no newspaper has been designated to publish the laws, at least one newspaper in such district may be designated; and in case also it appears that there are in the state cities, towns or boroughs having a population of at least five thousand according to the latest official census, in which no newspaper or but one newspaper has been designated, the governor and comptroller may, at their discretion, select and designate a newspaper or newspapers, not exceeding two, in any of such cities, towns or boroughs;

Other newspapers may be designated.

III. Besides the selections and designations already mentioned, it shall be lawful for the governor and comptroller, at their discretion, to select and designate to publish the laws other newspapers at large in the state, without regard to their representing political parties, but reference being had to their character and circulation; *provided, however,* that the total number of all newspapers in the state authorized to publish the laws shall not exceed one hundred; *and provided, further,* that in the aggregate no more newspapers shall be designated which represent one leading political party than those which represent the other leading political party.

Proviso.

Proviso.

3. *And be it enacted,* That no newspaper shall be selected under this act which has not been regularly and continuously published previous to such selection for the space of eighteen months.

Secretary of state to furnish copies of laws.

4. *And be it enacted,* That after such selection and designation the secretary of state shall send out copies of all public laws to the newspapers entitled to publish them as soon as said laws are enacted.

Compensation for publication.

5. *And be it enacted,* That the rate of compensation to be paid by the state for the publication of the laws shall be a sum to be fixed by the governor and comptroller not to exceed fifty cents per folio, but no compensation shall be paid to any newspaper which prints the laws from plates, unless such plates are cast in its own office for its own use.

Repealer.

6. *And be it enacted*, That all acts or parts of acts by which the newspapers entitled to publish the laws are to be designated in any other way than herein set forth, or which contravene any of the provisions of this act, shall be repealed, and that this act shall take effect immediately.

Approved May 6, 1887.

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## CHAPTER CLXXXII.

An Act to amend an act entitled "A supplement to an act entitled 'An act for the incorporation of safe deposit and trust companies,'" approved April twentieth, one thousand eight hundred and eighty-five.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act of which this is amendatory, be and the same is hereby amended so as to read as follows:

Authorized to act as agents, receivers, executors, guardians, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the provisions of the act to which this is a supplement and the powers and authority therein and thereby given, it shall and may be lawful for any company or association incorporated by or under any law of this state, and possessing any of the powers conferred by the third section of the act to which this is a supplement, or similar powers, and with a capital of not less than one hundred thousand dollars, to act as agents to transfer, register and countersign, and for the purchase and sale of stocks, bonds or other obligations of any corporation, association, municipality, state or public authority, and to receive and manage any sinking fund thereof, upon such terms as may be agreed upon, and to act as assignees, receivers, agents, executors, administrators or guardian, and execute trusts of every description not inconsistent with the laws of the state of New Jersey or of the United States.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 6, 1887.

# Joint Resolutions.

# JOINT RESOLUTIONS.

## NUMBER I.

A Joint Resolution relative to the arbitration of alleged taxes in arrear under the charter and supplements of the Morris and Essex Railroad Company.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That all matters in difference between the state of New Jersey and the Morris and Essex Railroad Company, and the Delaware, Lackawanna and Western Railroad Company, its lessee, of alleged taxes in arrear arising under the charter and supplements of the Morris and Essex Railroad Company, shall be and the same are hereby submitted to the arbitration of two arbitrators, one of whom shall be chosen in writing by the governor, and the other by the said companies in writing, and whose award, (after being duly sworn, hearing and determining said matters in difference) shall be final, conclusive and binding upon the state and said companies. The said arbitrators shall be chosen and their appointments filed in the office of the secretary of state within thirty days from the passage of this resolution. The award shall be made in writing and filed in the said office. The said arbitrators shall have power to swear and examine witnesses. All necessary expenses on the part of the state shall be allowed by the comptroller on the approval of the governor.

2. *And be it resolved*, That this joint resolution shall take effect immediately.

Approved March 23, 1887.

## NUMBER II.

Joint Resolution to enable the state of New Jersey to take part in the celebration of the centennial anniversary of the framing of the federal constitution.

WHEREAS, in response to a joint resolution passed by the legislature of the state of New Jersey on the second day of June, anno domini one thousand eight hundred and eighty-six, the governors and representatives of the thirteen original states assembled in the city of Philadelphia on the seventeenth day of September, anno domini one thousand eight hundred and eighty-six, and there considered the propriety of a national celebration of the framing of the constitution of the United States of America; whereupon such proceedings were by them taken that a national call was issued and responded to by all the states and territories and resulted in the organization in Philadelphia, on the second day of December, anno domini one thousand eight hundred and eighty-six, of a constitutional centennial commission, clothed with authority to devise plans and measures to secure a celebration worthy of the great event intended to be commemorated; *and whereas*, the programme by said body adopted includes a military display in which the United States shall be invited to be represented by each of its military and naval service, and the several states and territories by their militia; *and whereas*, invitations to participate in the said celebration are extended to the governors of each state and to the judiciary and legislatures of the same, and to the representatives of the several departments thereof; therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the invitation thus extended is, upon the part of the legislature of the state of New Jersey, cordially accepted, and that the governor is hereby authorized and requested to take such action as may be best

fitted in his judgment to secure a representation of the state by its militia which shall be worthy of the occasion; and the governor is authorized and empowered to make his requisition upon the treasury to meet the necessary and proper expenses not exceeding in all the sum of twenty-five hundred dollars to carry out the provisions of this resolution, and the comptroller is hereby authorized to draw his warrant for the same, and the governor shall cause an accurate and detailed account to be kept of the expenditures and shall cause the same to be filed, together with the proper vouchers, with the comptroller, who shall report the same to the next session of the legislature.

Approved April 21, 1887.

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## NUMBER III.

Joint Resolution authorizing the appointment of a commission to ascertain the value of the shore fisheries on the Delaware river below Trenton, with a view to their purchase by the state.

WHEREAS, The shore fisheries in this state on the Delaware river are, with few exceptions, operated by persons not residents of this state; *and whereas*, disputes and legal controversies are of frequent occurrence between purchasers of riparian rights from the state, citizens of the state engaged in gill net fishing, and those operating the shore fisheries, as to their respective rights; *and whereas*, large numbers of fish are annually taken in the nets used by the shore fishermen which are almost valueless on account of their small size, thereby greatly diminishing this valuable food supply; therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the governor and comptroller of this state are hereby authorized and directed to appoint three commissioners to ascertain the value of the rights

claimed by the owners of the shore fisheries on the Delaware river below Trenton, with a view to the purchase of the same by the state, in order that the right of fishery in the said waters may be rendered forever free to all the citizens of this state.

2. *And be it resolved*, That said commission shall make a detailed report of the value of the aforesaid rights to the legislature at its next session, and that the expenses of said commission shall be paid by the treasurer, on the warrant of the comptroller, to an amount not exceeding five hundred dollars,

3. *And be it resolved*, That this resolution shall take effect immediately.

Approved May 6, 1887.

# Proclamations.

# PROCLAMATIONS.

## PROCLAMATION BY THE GOVERNOR.

In accordance with long established custom, the executive of the state sets apart each year a day of thanksgiving and prayer, so that the people may rest from their labors and assemble in places of religious worship and in their homes to give thanks to Almighty God for His great kindness and to pray that He will bless us with abundance and prosperity.

I, LEON ABBETT, governor of the state of New Jersey, do therefore designate Thursday, the twenty-fifth day of November, as a day of public thanksgiving and prayer, and recommend that the people, abstaining from their usual vocations, give thanks to Almighty God for His infinite mercy and goodness to us in the past, and pray that in the future He will bless the nation, the state and all the people.

Given under my hand and privy seal at the executive chamber, in the city of Trenton, this sixteenth day of November, in the year of our Lord one thousand eight hundred and eighty-six, and of the independence of the United States the one hundred and eleventh.

[L. S.]

LEON ABBETT.

*Attest:*

WILLARD C. FISK,
*Private Secretary.*

## PROCLAMATION BY THE GOVERNOR.

It appears by oath that on or about the twenty-fifth day of March, A. D. one thousand eight hundred and eighty-seven, in the city of Rahway, in the county of Union, a woman, supposed to be one K. M. Noorz, but who is not identified, was by some person or persons unknown, murdered under circumstances which involve the crime in mystery.

Therefore, I, Robert S. Green, Governor of the State of New Jersey, by virtue of the authority in me vested by law, do issue this my proclamation, and hereby offer a reward of six hundred dollars for apprehending and securing the person or persons who committed the aforesaid crime, and any person or persons who may have aided, abetted, comforted, harbored or concealed him, her or them, knowing him, her or them to be in such wise guilty; which reward shall be paid on conviction, according to the provisions of the twenty-first section of "An Act regulating proceedings in criminal cases" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Given under my hand and the great seal of the state of New Jersey, at Trenton, this twenty-
[L. S.] ninth day of March, A. D. eighteen hundred and eighty-seven.

ROBERT S. GREEN.

By the Governor,
HENRY C. KELSEY,
*Secretary of State.*

## PROCLAMATION BY THE GOVERNOR.

WHEREAS, the governor is, by joint resolution, adopted February twenty-first, one thousand eight hundred and eighty-four, authorized to issue a proclamation annually, setting apart a day in April for the planting of forest trees, and recommending that the day be devoted for that purpose;

AND WHEREAS, it is represented that such planting will be more successful if different days be so named for different sections of the state.

Now therefore, pursuant to the said authority, I, ROBERT S. GREEN, governor of the state of New Jersey, do hereby set apart Friday, April fifteenth, one thousand eight hundred and eighty-seven, in the county of Burlington and in all counties south of Burlington county, and Friday, April twenty-second, one thousand eight hundred and eighty-seven, in all counties of the state north of the county of Burlington, for the planting of forest trees, and recommend that the day be devoted by the people to that purpose.

In testimony whereof I have hereunto set my hand and caused the great seal of the state to [L. S.] be hereunto affixed, at Trenton, this seventh day of April, A. D. one thousand eight hundred and eighty-seven.

ROBERT S. GREEN.

By the Governor,
HENRY C. KELSEY,
*Secretary of State.*

# Special Public Acts.

# SPECIAL PUBLIC ACTS

PASSED BY THE

# One Hundred and Eleventh Legislature

## CHAPTER III.

An Act to repeal an act entitled "An act relating to the election and duties of overseers of the highways in the township of Caldwell, in the county of Essex," approved April second, one thousand eight hundred and sixty-nine.

Act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act relating to the election and duties of overseers of the highways in the township of Caldwell, in the county of Essex," approved April second, one thousand eight hundred and sixty-nine, be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 1, 1887.

## CHAPTER IV.

An Act to repeal the act entitled "A further act concerning taxes, making the same a first lien on real estate and to authorize sales for the payments of the same," approved March fourteenth, one thousand eight hundred and seventy-nine, in as far as it affects the township of Mullica, in the county of Atlantic, and to restore and revive the act entitled "An act to facilitate the collection of taxes in the township of Mullica, in the county of Atlantic," approved February twentieth, one thousand eight hundred and sixty-eight.

Act repealed so far as same applies to Mullica township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "A further act concerning taxes, making the same a first lien on real estate and to authorize sales for the payment of the same," approved March fourteenth, one thousand eight hundred and seventy-nine, be and the same is hereby repealed in so far as the same applies to the township of Mullica, in the county of Atlantic, and the said act entitled "An act to facilitate the collection of taxes in the township of Mullica, in the county of Atlantic," approved February twentieth, one thousand eight hundred and sixty-eight, be and the same is hereby restored and revived and made to continue in operation in the said township of Mullica in terms as follows:

Certain act revived.

Power to enforce collection of delinquent taxes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the township of Mullica, in the county of Atlantic, shall have power to enforce the collection of all delinquent taxes assessed on any real estate in said township during the year of our Lord one thousand eight hundred and sixty-seven, and thereafter, by exposing the same for sale, or so much thereof as may be sufficient to pay said taxes and the costs thereon, at public vendue, to the person or persons who

will take the least quantity of said land, to be laid out in one body, and to commence at some designated corner of the premises on which said delinquent taxes are claimed to be due; and in cases where the said committee may deem it for the interest of the township, they may authorize the treasurer of the township to appear at such sale, and bid on such lands as are offered for sale as aforesaid in the name of the township; the lands so sold to him, if any, to be the property of said township.

Township collector to make return of unpaid taxes.

2. *And be it enacted*, That no land shall be sold by virtue of this act until the township collector shall have made a return to the township committee that the taxes assessed on said lands are unpaid, and have by him been returned as delinquent, and shall verify the same by his affidavit attached thereto; and the collector neglecting or refusing to make such return and affidavit on or before the annual township meeting for the election of officers, shall be liable to the township for all of said unpaid and delinquent taxes not so returned.

Proceedings consequent on such returns.

3. *And be it enacted*, That within ten days after the said return by the collector of the township, the township committee shall cause a copy of said return to be recorded in the clerk's office of said township and a copy thereof to be posted in at least three public places in said township, one of said places to be at the place where the last election of said township was held, the same to be certified to and signed by the clerk of the township.

Duties of clerk.

4. *And be it enacted*, That if any of said delinquents, at any time before the expiration of twenty days after the first posting of said notices, shall appear before said clerk, and pay said delinquent taxes and the costs, together with the additional sum of fifty cents as registry fee for said clerk, then, in such case, the clerk shall receive the same in the name of the township committee, and give his receipt therefor; but in case such delinquents do not appear and make the said payment within the said twenty days, the township committee shall cause a certified copy of the said return and affidavit of the collector to be published in one or more newspapers published in said county, at least six weeks, specifying the time and place where the same will be sold at public vendue as aforesaid, for the collection of said returned and delinquent taxes.

Failure to pay tax, copy of return to be published.

Upon due notice, lands may be sold.

5. *And be it enacted*, That on the day mentioned in said notice, or on some adjourned day thereof, the chairman of the said committee shall, at the hour named in said notice, proceed to sell the several tracts or parcels of land returned and unpaid, and in the order so returned, at public vendue as aforesaid, to the person or persons who will take the least quantity of said premises so offered, and pay the amount of said delinquent taxes with costs of advertising and sale.

Township committee to execute and deliver certificates of sale

6. *And be it enacted*, That immediately after such sale the township committee shall execute and deliver to such person or persons who may become the purchasers of said lands, a certificate of such sale, describing the piece, or several pieces so sold, as the case may be, together with the amount paid for the same, entitling the holder thereof to a deed of the premises so sold; *provided*, that the owner or owners of said land or lands do not, within six months from the date of said certificate, appear before the said committee and deposit with them for the purchaser of said land, the amount so paid by him, together with fifteen per cent. interest, in which case the said certificate shall be deemed to be canceled, and the amount so received shall, on demand, be paid to the party holding and owning such certificate.

Proviso.

If not redeemed in six months a deed executed and delivered.

7. *And be it enacted*, That if, at the expiration of six months from the time of said sale, the owner or owners of any land so sold does not appear to redeem said land as aforesaid, then the said township committee shall execute to the holders and owners of said certificate, a deed of the premises described therein in their corporate name, the party receiving said deed to be at the expense of the revenue stamps and the acknowledging of the same, and on the delivery of said deed, the sale shall be final, and the title to such lands pass irrevocably to the holders thereof.

Majority of committee to constitute a quorum.

8. *And be it enacted*, That a majority of the said committee shall constitute a quorum for the purposes of this act, and may adjourn from time to time as they shall judge proper.

9. *And be it enacted*, That this act shall be deemed to be a public act and shall take effect immediately.

Approved February 20, 1868.

2. *And be it enacted*, That this act shall be taken as a public act and take effect immediately.

Passed March 1, 1887.

# Private Acts.

# PRIVATE ACTS

PASSED BY THE

# One Hundred and Eleventh Legislature

## CHAPTER X.

An Act for the relief of James M. Peer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James M. Peer, of the county of Morris, be and he hereby is restored to all his former rights and privileges as a citizen of New Jersey. Restoration to citizenship.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 15, 1887.

## CHAPTER XXXIV.

An Act to amend an act entitled "An act to incorporate the Pavonia land association," approved February eleventh, one thousand eight hundred and fifty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the second section of the act of which this is amendatory be made to read as follows: Section amended.

Stockholders to meet and elect board of directors.

2. *And be it enacted*, That the stockholders of said company shall meet annually, on the first Monday in June, at Pavonia, two weeks' previous notice of the time and place of meeting having been given in a newspaper published in the county of Camden, and shall then and there proceed to elect by ballot nine (9) directors, to serve for the term of one year and until others are chosen in their places; and such election shall be made by such stockholders of said company as shall attend for that purpose either in person or by proxy, each stockholder to be entitled to one vote for each share of stock that he or she may hold in said association; the directors so chosen shall elect one of their number to be president of the board of directors of said company, and in case of vacancy or absence the office shall be filled by such person or persons as the remainder of the directors or a majority of them may appoint; if an election shall not be held at the time so appointed the said corporation for that cause shall not be considered as dissolved, but said election may take place at any future time upon due notice as aforesaid being given by the officer or officers duly authorized, or on their neglect or refusal, by three or more stockholders of said association.

Vacancies how filled.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed and that this act shall take effect immediately.

Approved March 23, 1887.

## CHAPTER XLI.

An Act granting the consent of the legislature to the assignment to the West Shore railroad company of a lease of railroad and franchises made by the North River railroad company to the New York, Ontario and Western railway company.

Preamble.

WHEREAS, A certain agreement dated January the first, one thousand eight hundred and eighty-six, and made between the New York, Ontario and Western railway company and the West Shore railroad company and others, has been submitted to the legislature of this state for its consideration, copy of which agreement was filed in the office of the secretary of state on the fifth day of January, one thousand eight hundred and eighty-seven; now, therefore,

Assignments and agreements approved.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the assignment to the West Shore railroad company of the lease made by the North River railroad company to the New York, Ontario and Western railway company, and the agreements relating thereto mentioned in the said agreement stated in the preamble of this act, is hereby approved and the consent of the legislature of this state is hereby given to the agreement so submitted and filed as stated in the preamble of this act, which agreement contains an assignment to the West Shore railroad company of the lease of the road and franchises of the North River railroad company, afterwards acquired by consolidation by the New York, West Shore and Buffalo railway company.

Act how construed.

2. *And be it enacted*, That nothing herein contained shall be construed as a waiver of the condition precedent provided for in the second section of the act approved May second, one thousand eight hundred and eighty-five, entitled "An act respecting the leasing of railroads," requiring the filing in the office of the secretary of state of an

agreement to be approved by the governor and attorney-general, surrendering to the state all rights of exemption from taxation and otherwise providing as set forth in said section; this act shall be subject to alteration, amendment or repeal at the will of the legislature.

3. *And be it enacted,* That this act shall take effect immediately.

Approved March 24, 1887.

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## CHAPTER L.

An Act granting the consent of the legislature to the leasing of the railroad and franchises of the West Shore railroad company to the New York Central and Hudson River railroad company.

Preamble.

WHEREAS, The West Shore railroad company has submitted to the legislature of this state for its consideration the lease of the said road and its franchises to the New York Central and Hudson River railroad company, dated December the fifth, one thousand eight hundred and eighty-five, a copy of which lease was filed in the office of the secretary of state on the fifth day of January, one thousand eight hundred and eighty-seven; now, therefore,

Consent given to leasing of road and lease approved.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the said lease is hereby approved and the consent of the legislature of this state is hereby given to the leasing of the road and franchises of the West Shore railroad company to the New York Central and Hudson River railroad company, upon the terms set forth in said lease submitted and filed as stated in the preamble of this act.

Act not to be construed as a waiver of certain conditions, &c.

2. *And be it enacted,* That nothing herein contained shall be constructed as a waiver of the condition precedent provided for in the second section of the act approved May second, one thousand eight hundred and eighty-five, entitled "An act respecting the leasing of railroads," requir-

ing the filing, in the office of the secretary of state, of an agreement, to be approved by the governor and attorney-general, surrendering to the state all rights of exemption from taxation, and otherwise providing, as set forth in said section; this act shall be subject to alteration, amendment or repeal at the will of the legislature.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 29, 1887.

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## CHAPTER LXIV.

An Act for the relief of John Egan.

Restoration of citizenship.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Egan, of the city of Elizabeth, in the county of Union, be and he is hereby restored to all his former political rights and privileges as a citizen of the state of New Jersey.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 31, 1887.

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## CHAPTER CIII.

An Act for the relief of Morris Ford, Lewis Ford and Asa Ford.

Restoration of citizenship.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Morris Ford, Lewis Ford and Asa Ford, of the county of Burlington, be and they are hereby restored to all their former rights and privileges as citizens of New Jersey.

2. *And be it enacted*, That this act shall take effect immediately.

Passed April 5, 1887.

# Contents.

# CONTENTS.

## GENERAL PUBLIC LAWS.


| Chapter. | | Page. |
|---|---|---|
| 1. | A supplement to an act entitled "An act to establish a bureau of statistics upon the subject of labor, considered in its relation to the growth and development of the state industries," | 11 |
| 2. | A supplement to an act entitled "An act to prevent the adulteration and to regulate the sale of milk," approved March fourteenth, one thousand eight hundred and eighty-two.... | 12 |
| 5. | An act to authorize and empower the trustees of any church or religious society, to whom as such trustees by their individual names any conveyance of lands and real estate has been made, to convey the same to the church or religious society of which they are or were trustees by its corporate name..... | 12 |
| 6. | An act to incorporate improvement societies in towns, villages and boroughs..... | 13 |
| 7. | A further supplement to an act entitled "An act to incorporate the chosen freeholders in the respective counties of this state" [Revision], approved April sixteenth, one thousand eight hundred and forty-six..... | 14 |
| 8. | A supplement to an act entitled "An act to incorporate trustees of religious societies" [Revision], approved April ninth, one thousand eight hundred and seventy-five..... | 15 |
| 9. | An act to release the title and interest of the people of the state of New Jersey in and to certain real estate, of which George Evans died seized, in the city of Trenton and in the township of Ewing..... | 16 |
| 11. | A further supplement to an act relative to sales of land under a public statute or by virtue of any legal proceeding [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four..... | 18 |
| 12. | A further supplement to an act entitled "An act respecting the orphans' court, and relating to the powers and duties of the ordinary and the orphans' courts and surrogates" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four..... | 19 |

Chapter. Page.

13. An act to authorize municipal corporations to contract for a supply of water for public uses..... 20

14. A further supplement to an act entitled "An act to provide for the erection of suitable monuments to mark the position of New Jersey regiments upon the battle-field of Gettysburg," approved April twentieth, one thousand eight hundred and eighty-five..... 22

15. An act providing for summary arrests for the violation of ordinances..... 23

16. An act accepting and assenting to on the part of the state of New Jersey of the appropriations and grants of moneys, as made and provided for in an act of the congress of the United States, approved March third, one thousand eight hundred and eighty-seven, entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several states under the provisions of an act approved July second, one thousand eight hundred and sixty-two, and of the acts supplementary thereto"..... 24

17. An act in relation to incorporated hospital associations..... 25

18. An act providing for the support of the State Industrial School for Girls..... 26

19. A supplement to an act entitled "An act respecting executions" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four..... 26

20. A supplement to an act entitled "An act concerning executors and the administration of intestates' estates," approved March twenty-seventh, one thousand eight hundred and seventy-four..... 27

21. An act to amend an act entitled "An act relative to sales of land under a public statute, or by virtue of any judicial proceedings" [Revision], approved March twenty-fifth, one thousand eight hundred and seventy-four..... 28

22. A supplement to an act entitled "An act concerning savings banks," approved April twenty-first, one thousand eight hundred and seventy-six..... 29

23. A further supplement to an act entitled "An act to authorize the construction, curbing and paving of sidewalks and crosswalks in townships," approved May ninth, one thousand eight hundred and eighty-four..... 30

24. A further supplement to an act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six..... 33

25. A supplement to an act entitled "An act for the formation of borough governments in sea side resorts," approved March twenty-ninth, one thousand eight hundred and seventy-eight..... 33

Chapter. Page.

26. An act to provide for licensing boats, hacks and other vehicles and the owners and drivers thereof, and also hucksters and peddlers of merchandise and provisions, or persons soliciting orders for the sale thereof, by incorporated camp-meeting associations or seaside resorts, and also to enable such associations or seaside resorts to prescribe penalties for the violation of any of their ordinances, by-laws, rules or regulations, 36

27. A further supplement to an act entitled "An act to enable incorporated towns to construct water works for the extinguishment of fires and supplying the inhabitants thereof with pure and wholesome water," passed March fifth, one thousand eight hundred and eighty-four..... 37

28. A supplement to the act entitled "An act to enable incorporated towns to construct water works for the extinguishment of fires and supplying the inhabitants thereof with pure and wholesome water," passed March fifth, one thousand eight hundred and eighty-four..... 40

29. An act to authorize certain railroad companies of this state to borrow money and secure the repayment thereof by mortgage upon their property and franchises..... 41

30. An act to authorize the boards of chosen freeholders in the several counties of this state to assume and exercise the custody, rule, keeping and charge of the county jails in their respective counties, and of the prisoners in such jails, and for the regulation and management of such jails and of the prisoners therein..... 42

31. Supplement to an act entitled "An act for the formation of Borough Commissions," approved March seventh, anno domini one thousand eight hundred and eighty-two..... 45

32. An act regulating consolidated school districts and the election of the board of trustees therein..... 46

33. An act concerning idiots, lunatics, habitual drunkards and persons alleged to be lunatics by reason of their minds being so unsound as to render them incapable of controlling themselves and their property..... 48

35. An act validating and confirming sales for taxes, and certificates and declarations issued in pursuance thereof, and tax titles and rights acquired thereunder, in cases where the time of holding such sales has not been in accordance with the requirements of section one of an act entitled "An act relative to sales of lands under a public statute, or by virtue of any judicial proceedings" [Revision], approved March twenty-seventh, anno domini one thousand eight hundred and seventy-four..... 49

36. A supplement to an act entitled "An act to regulate the practice of courts of law" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four..... 50

Chapter. Page.

37. Supplement to an act entitled "An act to provide for drainage where the same is necessary to the public health," approved March twenty-fourth, one thousand eight hundred and eighty-one ..... 50

38. An act respecting the appointment of state detectives and state policemen ..... 52

39. An act providing for appropriations for the New Jersey State Reform School for Boys ..... 53

40. An act to extend the time for the completion of railroads .... 53

42. A further supplement to an act to repeal the first section of an act entitled "An act for the protection of fish," approved April sixteenth, one thousand eight hundred and eighty-four ..... 55

43. A further supplement to an "Act for the formation of borough governments," passed the fifth day of April, anno domini one thousand eight hundred and seventy-eight ..... 56

44. An act to authorize the formation of companies for mutual protection against damage to glass by hail ..... 57

45. An act to regulate and license pawnbrokers ..... 59

46. A further supplement to an act entitled "An act to encourage the establishment of mutual loan, homestead and building associations" [Revision], approved April ninth, one thousand eight hundred and seventy-five ..... 62

47. An amendment to "An act concerning wills," approved April fifteenth, one thousand eight hundred and forty-six ..... 63

48. A supplement to an act entitled "An act relating to the consolidation of railroads," approved March seventh, one thousand eight hundred and seventy-eight ..... 64

49. An act to extend the time for completing certain railroads incorporated under an act entitled "An act to authorize the formation of railroad corporations and regulate the same," approved April second, one thousand eight hundred and seventy-three ..... 65

51. A supplement to an act entitled "An act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water-rates or water-rents in cities of this state, and imposing and levying a tax assessment and lien in lieu and instead of such arrearages, and to enforce the payment thereof, and to provide for the sale of lands subjected to further taxation and assessment," passed March thirtieth, one thousand eight hundred and eighty-six ..... 66

52. An act to amend an act entitled "An act to regulate the issuing of bonds by municipal corporations," approved March twenty-sixth, one thousand eight hundred and eighty-six ... 67

53. An act to prevent the transportation of dynamite and other explosives on the ponds and lakes of this state ..... 68

Chapter. Page.

54. A further supplement to an act entitled "An act to regulate elections" [Revision], approved April eighteenth, one thousand eight hundred and seventy-six..... 69

55. A further supplement to an act entitled "An act for the punishment of crimes," approved March twenty-seventh, one thousand eight hundred and seventy-four..... 70

56. A supplement to an act entitled "An act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six..... 71

57. An act to punish false pretences in obtaining registration of cattle and other animals, and to punish giving false pedigrees..... 71

58. An act to facilitate the business of mutual fire insurance companies..... 72

59. A supplement to the act for the laying out, altering or vacating of roads..... 73

60. A supplement to an act entitled "An act respecting the court of chancery" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-five..... 73

61. A supplement to an act entitled "An act concerning bridges and turnpikes," approved March twelfth, one thousand eight hundred and seventy-eight..... 74

62. An act to enable cities to elect an assessor for three years.... 75

63. An act to confer the authority of changing the name of a town or village upon the court of common pleas..... 76

65. A supplement to an act entitled "An act regulating proceedings in criminal cases" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four..... 77

66. An act in relation to the serving of all process issuing out of courts having the power to try violations of ordinances in any city of this state..... 78

67. An act to fix the salaries of certain officers of the senate and general assembly during the regular legislative session of the year one thousand eight hundred and eighty-seven..... 79

68. An act to establish in this state, boards of health and a bureau of vital statistics and to define their respective powers and duties..... 80

69. An act respecting the appointment of sergeant-at-arms in the court of common pleas, orphans' court and court of general quarter sessions of the peace..... 96

70. An act providing for the pensioning of police officers and policemen in certain cities of this state, and regulating the method by which the same may be accepted and become operative in said cities..... 97

Chapter. Page.

71. A supplement to an act entitled "An act concerning corporations" [Revision], approved April seventh, one thousand eight hundred and seventy-five..... 99

72. An act regulating the pay of officers and men of paid fire departments in cities of this state..... 100

73. An act to authorize the common council or other governing body in the cities of this state to designate who shall perform the duties of certain officials when such officials are temporarily absent or unable to perform their duties by reason of sickness..... 102

74. An act to authorize the issue of duplicate bonds of the state of New Jersey in lieu of those destroyed by fire..... 103

75. An act to protect farmers, gardeners and fruit growers against the loss of baskets and other packages..... 104

76. An act to organize and establish a state board of agriculture..... 105

77. Supplement to an act entitled "An act to provide for licensing hacks and other vehicles by the township committees of the several townships of this state, and for the better government of the same," approved March fifth, one thousand eight hundred and seventy-nine..... 110

78. An act to authorize any cemetery or burial ground governed by a board of directors, trustees or managers to invest any surplus funds received from the sale of lots or graves..... 111

79. A further supplement to an act entitled "An act concerning corporations" [Revision], approved April seventh, one thousand eight hundred and seventy-five..... 112

80. An act concerning cemetery corporations incorporated by special acts..... 112

81. A further supplement to an act entitled "An act concerning railroad corporations," approved March sixth, one thousand eight hundred and seventy-two..... 113

82. An act to amend an act entitled "A supplement to an act entitled 'An act for the preservation of fish,'" approved April fifth, one thousand eight hundred and seventy-eight, which said supplement was approved March seventeenth, one thousand eight hundred and eighty-two..... 114

83. An act to amend an act entitled "An act to revise and consolidate certain acts concerning chattel mortgages and to repeal the supplement on this subject," approved March twenty-fourth, one thousand eight hundred and eighty-one, approved May second, one thousand eight hundred and eighty-five... 115

84. An act in relation to past due taxes..... 116

Chapter. Page.

85. A supplement to an act entitled "An act to authorize the boards of chosen freeholders of the respective counties of this state to issue bonds to raise money for state and county purposes in anticipation of the arrearages of state and county taxation," approved March eighteenth, one thousand eight hundred and eighty-one..... 117

86. An act to authorize the transfer of licenses granted by the excise board of any city in this state..... 118

87. A further supplement to an act entitled "An act to incorporate and regulate telegraph companies," approved April ninth, one thousand eight hundred and seventy-five..... 119

88. An act to provide means to increase the fish production of the waters of this state..... 120

89. A supplement to act entitled "An act to incorporate trustees of religious societies," approved April ninth, one thousand eight hundred and seventy-five, to authorize dioceses to change their corporate name, and the corporate name of trustees chosen by them, and to secure the property trusts, franchises and obligations of said corporations, notwithstanding such change of name..... 121

90. A supplement to an act entitled "An act relative to the sale and disposition of the real estates of infants" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four..... 122

91. An act to amend an act entitled "An act providing for the appointment of collectors of arrears of taxes in towns of this state," passed May fourth, one thousand eight hundred and eighty-six..... 123

92. A further supplement to an act entitled "An act relative to sales of lands under a public statute or by virtue of any judicial proceedings" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four..... 125

93. A further supplement to an act entitled "An act for the formation of borough governments," approved April fifth, one thousand eight hundred and seventy-eight..... 126

94. A further supplement to the act entitled "An act relative to sales of lands under a public statute or by virtue of any judicial proceedings" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four and the supplement thereto, approved April ninth, one thousand eight hundred and eighty-five..... 129

95. A supplement to an act entitled "An act concerning clerks of grand juries," approved March ninth, one thousand eight hundred and seventy-seven..... 130

96. An act to amend an act entitled "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings" [Revision], approved April fourteenth, one thousand eight hundred and forty-six..... 131

Chapter. Page.

97. A supplement to an act entitled "An act concerning juries" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four..... 132

98. A supplement to an act entitled "An act concerning divorces" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four..... 132

99. An act relative to the court of common pleas, the orphans' court and the court of general quarter sessions of the peace in the several counties of this state..... 133

100. An act to amend an act entitled "An act for the formation of borough commissions," approved March seventh, one thousand eight hundred and eighty-two..... 134

101. An act providing for the method of the appointment of inspectors of public works in the cities of this state..... 135

102. An act to authorize cities in this state to erect buildings to be used for fire department purposes and to provide for the payment and cost of erection..... 136

104. A further supplement to an act entitled "An act concerning corporations" [Revision], approved April seventh, one thousand eight hundred and seventy-five..... 137

105. An act to provide for the payment of certificates of indebtedness issued for the purpose of constructing or improving a road or roads in the counties of this state..... 138

106. A supplement to an act entitled "A further supplement to an act entitled 'An act for the more easy partition of lands held by copartners, joint tenants and tenants in common,'" approved March twenty-seventh, one thousand eight hundred and seventy-four, which supplement was approved April sixteenth, one thousand eight hundred and eighty-six..... 139

107. An act to provide for the election of chosen freeholders in incorporated boroughs..... 140

108. An act for the relief of the state lunatic asylum at Trenton, and to provide additional accommodations for the incurable insane of this state..... 141

109. An act to amend and correct an error in the title of chapter eighty of the laws of one thousand eight hundred and eighty-three..... 142

110. An act authorizing cities to issue bonds for the purpose of acquiring immediate title to property in certain cases..... 143

111. A further supplement to an act entitled "An act to limit the age and employment hours of children, minors and women, and to appoint an inspector for the enforcement of the same," approved March fifth, one thousand eight hundred and eighty-three..... 144

112. An act to regulate the hours of labor of employes of surface and elevated railroad companies..... 145

Chapter. Page.

113. A supplement to an act entitled "An act concerning evidence," approved March twenty-seventh, one thousand eight hundred and seventy-four ..... 146

114. A supplement to an act entitled "An act establishing legal holidays and regulating the maturity of commercial paper with respect thereto," approved June first, one thousand eight hundred and eighty-six ..... 147

115. An act to amend an act entitled "An act to authorize the establishment of free public libraries in the cities of this state," passed April first, one thousand eight hundred and eighty-four ..... 148

116. An act giving the right of suffrage to all persons, whether male or female, in any school meeting in any school district of the state ..... 149

117. An act to provide for the transfer of insane criminals from the county prison to the state asylum for the insane ..... 150

118. A supplement to "An act for the punishment of crimes," approved March twenty-seventh, one thousand eight hundred and seventy-four ..... 151

119. A supplement to an act entitled "An act to provide for the regulation and incorporation of insurance companies" [Revision], approved April ninth, one thousand eight hundred and seventy-five ..... 151

120. An act to authorize police service in townships ..... 153

121. An act to amend "A supplement to an act entitled 'An act concerning executors and the administration of intestates' estates'" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, which supplement was approved February nineteenth one thousand eight hundred and seventy-nine ..... 154

122. A further supplement to an act entitled "An act for the more easy partition of lands held by copartners, joint tenants and tenants in common" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four ..... 155

123. Supplement to an act entitled "An act concerning corporations" [Revision], approved April seventh, one thousand eight hundred and seventy-five ..... 156

124. An act to amend section ninety-nine of an act entitled "An act concerning corporations" [Revision], approved April seventh, one thousand eight hundred and seventy-five ..... 157

125. A further supplement to an act entitled "An act concerning the sale of railroads, canals, turnpikes, bridges and plank roads," approved March twenty-fifth, one thousand eight hundred and seventy-five ..... 158

126. A supplement to an act entitled "An act to prevent the adulteration of food or drugs," approved March twenty-fifth, one thousand eight hundred and eighty-one ..... 160

Chapter. Page.

127. A supplement to an act entitled "An act concerning judgments," approved March twenty-seventh, one thousand eight hundred and seventy-four..... 161

128. An act concerning fees of certain officers in cities of this state, 161

129. Supplement to an act entitled "Supplement to an act entitled 'An act relative to the office of the secretary of state and register of the prerogative court,'" which supplement was approved April fourth, one thousand eight hundred and seventy-three..... 162

130. A further supplement to an act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six..... 163

131. An act to amend an act entitled "A supplement to an act entitled 'An act to provide for the organization of the New Jersey Home for Disabled Soldiers,'" approved April fourth, one thousand eight hundred and sixty-six, which supplement was approved March twenty-sixth, one thousand eight hundred and eighty-six..... 165

132. An act relative to the Trenton battle monument..... 166

133. An act concerning executors..... 167

134. An act to enable cities in this state to furnish suitable accommodations for the transaction of public business and an armory for the use of the national guard of the state therein organized..... 168

135. An act to enable cities to purchase lands, erect, furnish and fit up a building or buildings for public school purposes..... 170

136. An act to provide for the indexing of deeds, mortgages, wills and other instruments required or authorized by law to be recorded..... 171

137. An act to defray the expenses of caring for the state geological museum and other property of the state while at the New Orleans exposition, and of returning it to Trenton.... 172

138. A supplement to an act entitled "An act to fix the minimum of salary of the prosecutors of the pleas in the counties of the third class in this state," approved April twentieth, one thousand eight hundred and eighty-five..... 173

139. An act respecting hospitals and to provide for their aid in certain cases..... 174

140. An act amending "An act in relation to the improvement and maintenance of certain roads," approved March third, one thousand eight hundred and eighty-two..... 175

141. A supplement to an act entitled "An act concerning idiots and lunatics" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four..... 177

Chapter. Page.

142. A supplement to an act entitled "An act for the organization of the national guard of the state of New Jersey" [Revision], approved March ninth, one thousand eight hundred and sixty-nine ..... 178

143. A supplement to an act entitled "An act respecting the court of chancery" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four ..... 179

144. An act to amend section one of the act entitled "Supplement to an act entitled 'An act for the settlement and relief of the poor,'" approved March twenty-seventh, one thousand eight hundred and seventy-four, which supplement was approved April sixth, one thousand eight hundred and eighty-six..... 180

145. An act to authorize certain municipalities to lay out, open, extend, alter and work streets and highways, and to provide for the payment of the expense thereof..... 181

146. A supplement to an act entitled "An act exempting from taxation persons who served in the military or naval forces of the United States during the late war," approved February twenty-first, one thousand eight hundred and eighty-four... 183

147. A supplement to an act entitled "An act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water rates or water rents in cities of this state, and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages and to enforce the payment thereof and to provide for the sale of lands subjected to future taxation and assessment," passed March thirtieth, one thousand eight hundred and eighty-six..... 184

148. An act providing for sewerage in and by adjoining cities, towns and townships..... 185

149. A supplement to an act entitled "An act to prevent deception in the sale of oleomargarine, butterine or any imitation of dairy products, and to preserve the public health," approved March twenty-second, one thousand eight hundred and eighty-six..... 192

150. A supplement to an act entitled "An act to incorporate trustees of religious societies" [Revision], approved April ninth, one thousand eight hundred and seventy-five..... 194

151. An act relating to the sale of lands for unpaid taxes and assessments in cities of this state and proceedings in reference thereto..... 197

152. An act to amend an act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary and the orphans' court and surrogates," approved the twenty-seventh day of March, one thousand eight hundred and seventy-four..... 198

153. A further supplement to an act entitled "An act respecting the court of chancery" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-five..... 199

Chapter. Page.

154. Supplement to an act entitled "An act regulating the expenses for the observance of decoration day," approved April twenty-eighth, one thousand eight hundred and eighty-six.. 200

155. An act to authorize the boards of chosen freeholders in the respective counties of this state to acquire by purchase or condemnation lands for public use in such counties and to provide for the issue of bonds to pay for the same..... 201

156. A further supplement to an act entitled "An act for the organization of the national guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine, and the various amendments thereto..... 207

157. An act to amend the first section of an act entitled "An act concerning county boards established for the protection of the public health and the registration of vital facts and statistics in counties of this state," approved May fifth, one thousand eight hundred and eighty-four..... 211

158. An act to enable surveyors and their assistants to enter upon lands for the purpose of surveying in certain cases..... 212

159. An act to punish fraud in, and to regulate the weighing of live stock, hay, coal and grain..... 213

160. An act to provide for the purchase of a tract of land on the Atlantic coast in the county of Monmouth, and to vacate certain streets and to take and extinguish certain easements thereon and therein..... 214

161. An act to enable cities to borrow money for the purpose of paying for schools already erected or in process of erection, and to issue bonds for the same, and to take up bonds already issued in payment or part payment for the same..... 218

162. A supplement to an act entitled "An act for the support and improvement of the New Jersey school for deaf mutes," approved March twenty-sixth, one thousand eight hundred and eighty-five..... 219

163. A supplement to an act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four..... 220

164. An act in relation to leasehold estates, and assignments and mortgages thereof..... 221

165. A supplement to an act entitled "An act relative to guardians and minors," approved March twenty-seventh, one thousand eight hundred and seventy-four..... 224

166. An act to provide for a deficiency in the appropriation for the publication of the laws of one thousand eight hundred and eighty-six in the newspapers..... 225

167. An act entitled a supplement to an act entitled "An act to authorize the formation of railroad corporations and regulate the same," approved April second, one thousand eight hundred and seventy-three, which supplement was approved March thirty-first, one thousand eight hundred and eighty-two..... 226

Chapter. Page.

168. Further supplement to an act entitled "An act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six..... 228

169. A further supplement to an act entitled "An act for the punishment of crimes" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four..... 230

170. An act to provide for the making and collection of benefit assessments for the construction of sewers in the cities of this state in certain cases..... 231

171. An act to defray the expenses of the special joint committee appointed by virtue of Senate Joint Resolution number seven, of one thousand eight hundred and eighty-six, to consider the propriety of establishing a prison for female convicts and reformatory for women..... 232

172. A further supplement to an act entitled "An act to authorize cities to construct sewers and drains, and to provide for the payment of the cost thereof," approved March eighth, one thousand eight hundred and eighty-two..... 233

173. An act for the promotion of industrial education..... 237

174. A further supplement to an act entitled "An act concerning corporations," approved April seventh, eighteen hundred and seventy-five..... 238

175. An act relating to street railways within incorporated towns and boroughs in this state..... 240

176. A further supplement to an act entitled "An act for the government and regulation of the state prison," approved April twenty-first, one thousand eight hundred and seventy-six..... 242

177. A supplement to an act entitled "A general act relating to factories and workshops, and the employment, safety, health and work hours of operatives," approved April seventh, one thousand eight hundred and eighty-five..... 243

178. An act concerning the court of pardons..... 246

179. An act to allow certain persons to trap hare or rabbit..... 246

180. An act to defray the incidental expenses of the legislature of New Jersey for the session of one thousand eight hundred and eighty-seven..... 247

181. An act relative to the publication of the laws of this state in the newspapers..... 260

182. An act to amend an act entitled "A supplement to an act entitled 'An act for the incorporation of safe deposit and trust companies,'" approved April twentieth, one thousand eight hundred and eighty-five..... 262

## SPECIAL PUBLIC ACTS.

No. Page.

3. An act to repeal an act entitled "An act relating to the election and duties of overseers of the highways in the township of Caldwell, in the county of Essex," approved April second, one thousand eight hundred and sixty-nine..... 277

4. An act to repeal the act entitled "A further act concerning taxes, making the same a first lien on real estate and to authorize sales for the payments of the same," approved March fourteenth, one thousand eight hundred and seventy-nine, in as far as it affects the township of Mullica, in the county of Atlantic, and to restore and revive the act entitled "An act to facilitate the collection of taxes in the township of Mullica, in the county of Atlantic," approved February twentieth, one thousand eight hundred and sixty-eight..... 278

## PRIVATE ACTS.


| No. | | Page. |
|---|---|---|
| 10. | An act for the relief of James M. Peer | 285 |
| 34. | An act to amend an act entitled "An act to incorporate the Pavonia land association," approved February eleventh, one thousand eight hundred and fifty-two | 285 |
| 41. | An act granting the consent of the legislature to the assignment to the West Shore railroad company of a lease of railroad and franchises made by the North River railroad company to the New York, Ontario and Western railway company | 287 |
| 50. | An act granting the consent of the legislature to the leasing of the railroad and franchises of the West Shore railroad company to the New York Central and Hudson River railroad company | 288 |
| 64. | An act for the relief of John Egan | 289 |
| 103. | An act for the relief of Morris Ford, Lewis Ford and Asa Ford | 289 |

# General Index.

# GENERAL INDEX.

## A.


Page.

Acceptance by the state of New Jersey of acts of Congress to establish agricultural experiment stations in the several states—act relative to..... 24
Accommodation for the transaction of public business and an armory for the use of the national guard—act to enable cities to furnish suitable..... 168
Ackerman, Peter—member from Bergen county..... 6
Acts of Congress to establish agricultural experiment stations in the several states—act accepting and assenting to on the part of the state of New Jersey..... 24
Additional accommodations for the incurable insane of this state—act for the relief of the State Lunatic Asylum and to provide..... 141
Administration of intestates' estates—act to amend supplement to act concerning executors and the..... 154
supplement to act concerning 27
Adulteration of food or drugs—supplement to act to prevent the.. 160
milk—supplement to act to prevent the, and regulate sale of..... 12
Age and employment hours of children, minors and women—supplement to act to limit, and to appoint an inspector for the enforcement of the same..... 144
Agricultural experiment stations—act accepting and assenting to on part of the state of New Jersey to act of congress to establish, in the several states.. 24
Agriculture, state board—Act to organize and establish a..... 105
Altering, laying out or vacating of roads—supplement to act for the..... 73
Animals—act to punish false pretences in obtaining registration of cattle and other, and to punish giving false pedigrees.. 71
Anniversary of the framing of the federal constitution—joint resolution to enable the state of New Jersey to take part in the celebration of the centennial..... 266

Page

Centennial anniversary of the framing of the federal constitution—joint resolution to enable the state of New Jersey to take part in the celebration of the..... 266
Certificates and declarations of sale—act validating and confirming sales of land, and, issued in pursuance thereof, and tax titles and rights acquired thereunder, &c..... 49
Certificates of indebtedness issued for constructing or improving a road or roads in the counties of this state—act to provide for the payment of..... 138
Chamberlain, William—member from Union county..... 7
Chancery, court of—supplement to act respecting the.....73, 179, 199
Change of name of dioceses and trustees—supplement to act to incorporate religious societies, and to authorize, &c..... 121
Changing the name of a town or village—act to confer the authority of, upon court of common pleas..... 76
Chapter 80, laws of 1883—act to amend and correct an error in the title to..... 142
Chase, Daniel C.—senator from Middlesex county..... 5
Chattle, Thomas G.—senator from Monmouth county..... 5
Chattle mortgages—act to amend act to revise and consolidate certain acts concerning, and to repeal the supplement on this subject..... 115
Children, minors and women—supplement to act to limit the age and employment hours of, and to appoint an inspector..... 144
Chosen freeholders—act to authorize boards of, to assume and exercise the custody of county jails and of the prisoners in such jails, &c.....,..... 42
act to authorize the boards of, in the respective counties of this state to acquire by purchase or condemnation of lands for public use in such counties and to provide for the issue of bonds to pay for the same..... 201
supplement to act to authorize boards of, to issue bonds to raise money for state and county purposes in anticipation of the arrearages of state and county taxation..... 117
supplement to act to incorporate, in the several counties..... 14
Chosen Freeholders in incorporated boroughs—act to provide for the election of.. 140
Churches or religious societies—act to authorize trustees of, to convey real estate to..... 12
Cities—act authorizing, to issue bonds for the purpose of acquiring immediate title to property in certain cases..... 143
act concerning the fees of certain officers in..... 161
act providing for sewerage in and by adjoining, towns and townships..... 185

Page.

Cities—act providing for the method of appointment of inspectors of public works..... 135
act providing for the pensioning of police officers and policemen in certain, and regulating the method by which the same may be accepted and became operative in said..... 97
act regulating the pay of officers and men of paid fire departments in..... 100
act relating to the sale of lands for unpaid taxes and assessments in, and proceedings in reference thereto..... 197
act to amend act to authorize the establishment of free public libraries in..... 148
act to authorize the common council or other governing body in, to designate who shall perform the duties of certain officials when such officials are temporarily absent or unable to perform their duties by reason of sickness..... 102
act to authorize the transfer of licenses by excise boards in, 118
act to authorize, to erect buildings to be used for fire department purposes and to provide for the payment of the cost of erection..... 136
act to enable, to borrow money for the purpose of paying for schools already erected or in process of erection, and to issue bonds for the same, and to take up bonds already issued in payment or part payment for the same..... 218
act to enable, to elect an assessor for three years..... 75
act to enable, to furnish suitable accommodation for the transaction of public business and an armory for the use of the national guard of this state therein organized..... 168
act to enable, to purchase lands, erect, furnish and fit up a building or buildings for public school purposes..... 170
act to provide for the making and collection of benefit assessments for the construction of sewers in, in certain cases..... 231
supplement to act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water rates in, and imposing and levying a tax assessment and lien in lieu thereof, and to provide for the sale of lands subjected to further taxation and assessment.....66, 184
supplement to act in relation to the serving of all process issuing out of courts having the power to try violations of ordinance in..... 78
supplement to act to authorize, to construct sewers and drains and to provide for the payment of the cost thereof, 233
Clerks of grand juries—supplement to act concerning..... 130
Coal, grain, hay and live stock—act to punish fraud in, and to regulate the weighing of..... 213
Collection of arrearages of unpaid taxes, assessments and water rents—supplement to act concerning the settlement and, in cities of this state, and imposing and levying a tax assessment and lien instead of arrearages, & c....66, 184
benefit assessments for the construction of sewers in cities—act to provide for the making and.... 231

Page.

Collection of taxes in the township of Mullica—act to repeal a further act concerning taxes, &c., in as far as it affects the, and to restore and revise an act to facilitate the... 278
Collectors of arrears of taxes in towns—act to amend act providing for the appointment of.. 123
Commercial paper—supplement to act establishing legal holidays and regulating the maturity of..... 147
Commission to ascertain the value of the shore fisheries on the Delaware river below Trenton with a view to their purchase by the state—joint resolution authorizing the appointment of a..... 267
Commissions, borough—act to amend act for the formation of.... 134
supplement to act for the formation of.... 45
Committee, special joint—to consider the establishment of a prison for female convicts and reformatory for women—act to defray expenses of.... 232
Common council or governing bodies in cities to designate who to perform duties of certain officials in case of absence or sickness—act authorizing the.... 102
Companies for mutual protection against damage to glass by hail—act to authorize the formation of..... 57
Companies, insurance—act to facilitate the business of mutual fire, 72
supplement to act to provide for the regulation and incorporation of..... 151
railroad—act to authorize certain, to borrow money and secure the repayment thereof by mortgage upon the property and franchises.... 41
act to regulate the hours of labor of employees of surface or elevated..... 145
safe deposit and trust—act to amend supplement to act for the incorporation of..... 262
telegraph—supplement to act to incorporate and regulate..... 119
Completion of railroads—act extending the time for the..... 53
act extending the time for the, incorporated under act to authorize the formation of railroad corporations and regulate the same..... 65
Condit, Elias M.—member from Essex county..... 6
Congress of the United States—act accepting and assenting to on the part of the state of New Jersey, to acts to establish agricultural experiment stations..... 24
Consent of the legislature—act granting the, to the assignment of the West Shore railroad company of a lease of a railroad and franchises made by the North River railroad company to the New York, Ontario and Western railroad company..... 287

Page.
Consent of the legislature—act granting the, to the leasing of the West Shore railroad company to the New York Central and Hudson River railroad company..... 288
Consolidated school districts—act regulating, and the election of boards of trustees therein..... 46
Consolidation of railroads—supplement to act relating to the..... 64
Construction, curbing and paving of sidewalks in townships—supplement to act to authorize the..... 30
of sewers in cities—act to provide for the making and collection of benefit assessments for the, in certain cases..... 231
Co-partners, joint tenants and tenants in common—supplement to act for the more easy partition of lands held by...139, 155
Corbin, William H.—member from Union county..... 7
Corporate name of dioceses and trustees—supplement to act to incorporate religious societies and to authorize the change of, &c., 121
Corporations (cemetery), incorporated by special act—act concerning..... 112
Corporations—act to amend section 99 of act concerning..... 157
supplement to act concerning.....99, 112, 137, 156, 288
municipal—act to authorize, to contract for supply of water for public use..... 20
act to amend act to regulate the issuing of bonds by..... 67
railroad—act entitled, supplement to act to authorize the formation of and to regulate the same..... 226
act to extend time for completing certain railroads incorporated under act to authorize the formation of, and to regulate the same..... 65
supplement to an act concerning..... 113
Counties—act to amend first section of act concerning county boards established for the protection of the public health and the regulation of vital facts and statistics in..... 211
act to authorize boards of chosen freeholders of, to assume and exercise the custody of county jails in, &c.. 42
act to authorize boards of chosen freeholders in the respective, to acquire by purchase or condemnation lands for public use in such counties and to provide for the issue of bonds for the same..... 201
act to provide for the payment of certificates of indebtedness issued for constructing or improving a road or roads in..... 188
supplement to act to authorize the boards of chosen freeholders of, to issue bonds to raise money for state and county purposes in anticipation of the arrearages of state and county taxation..... 117

Page.

Counties—supplement to act to incorporate the chosen freeholders in ..... 14
of the third class—supplement to act to fix the minimum of salary of the prosecutors of the pleas in the..... 173
County boards established for the protection of the public health and the registration of vital facts and statistics in counties of this state—act to amend first section of act concerning..... 211
jails—act to authorize boards of chosen freeholders to assume and exercise the custody of, and of the prisoners in..... 42
County prisons—act to provide for the transfer of insane criminals from to the state asylum for the insane..... 150
Court, orphans'—act relative to the court of common pleas, general quarter sessions of the peace and..... 133
act respecting the appointment of sergeant-at-arms of the..... 96
act to amend act respecting the, and the powers and duties of the ordinary and surrogates..... 198
supplement to act respecting the, and the powers and duties of, &c..... 19
prerogative—supplement to act relative to the office of the secretary of state and register of the..... 162
Court of chancery—supplement to act respecting the.....73, 179, 199
common pleas—act relative to the, orphans' court, general quarter sessions and the..... 133
act respecting the appointment of sergeant-at-arms of the orphans' court, general quarter sessions of the peace and..... 96
act to confer the authority of changing the name of a town or village upon the, 76
general quarter sessions of the peace—act relative to the court of common pleas, orphans' court and..... 133
act respecting the appointment of sergeant-at-arms of the..... 96
pardons—act respecting the..... 246
Courts having the power to try violations of ordinances in cities—act in relation to the serving of all process issuing out of the..... 78
of law—supplement to act to regulate the practice of the.. 50
Crane, Elvin W.—member from Essex county..... 6
Cranmer, George T.—senator from Ocean county..... 5
Crimes—supplement to act for the punishment of.....70, 151, 230
Criminal cases—supplement to act regulating proceedings in..... 77
Criminals (insane)—act to provide for the transfer of, from the county prisons to the state asylum for the insane..... 150

Page.

Crosswalks and sidewalks in townships—supplement to act to authorize the construction, curbing and paving of..... 30

Curbing and paving of crosswalks and sidewalks in townships—supplement to act to authorize the construction..... 30

## D.

Dairy products—supplement to act to prevent deception in the sale of oleomargarine, butterine or any imitation of, and to preserve the public health..... 192

Damage to glass by hail—act to authorize the formation of companies for mutual protection against, 57

Day, decoration—supplement to act regulating the expenses for the observance of..... 200

Deaf mutes—school for—supplement to act for the support and improvement of the..... 219

Deception in the sales of oleomargarine, butterine or any imitation of dairy products and to preserve the public health—supplement to act to prevent the..... 192

Declarations and certificates of sales—act validating and confirming sales of lands, and, issued in pursuance thereof and tax titles and rights acquired, &c..... 49

Decoration day—supplement to act regulating the expenses for the observance of..... 200

Deeds, mortgages, wills and other instruments—act to provide for the indexing of, required by law to be recorded, 171

Deficiency in the appropriation for the publication of the laws of 1886 in the newspapers—act to provide for a..... 225

Delaware river—joint resolution authorizing the appointment of a commission to ascertain the value of the shore fisheries on the, below Trenton, with a view to their purchase by the state..... 267

Detectives and policemen (state)—act respecting the appointment of..... 52

Dickinson, Samuel D.—member from Hudson county..... 6

Dioceses to change corporate name—supplement to act to incorporate trustees of religious societies, and to authorize, &c..... 121

Directors of cemetery or burial grounds—act to authorize trustees, managers or, to invest surplus funds received from sale of lots or graves..... 111

Disabled Soldiers—act to amend supplement to act to provide for the organization of the New Jersey Home for..... 165

Page.
Districts, consolidated school—act regulating, and the election of boards of trustees therein..... 46
Divorces—supplement to act concerning..... 132
Donohue, John—member from Passaic county..... 7
Doron, William H.—member from Burlington county..... 6
Drainage—supplement to act to provide for, where the same is necessary to the public health..... 50
Drains and sewers—supplement to the act to authorize cities to construct, and to provide for the payment of the cost thereof..... 233
Drugs—supplement to act to prevent the adulteration of food or.. 160
Drunkards, lunatics and idiots incapable of controlling themselves or their property—act concerning..... 48
Duplicate bonds of the state of New Jersey—act to authorize the issue of, in lieu of those destroyed by fire..... 103
Duties of certain officials—act to authorize the common council or governing body of cities to designate to perform, when absent or by reason of sickness..... 102
overseers of the highways in Caldwell township, Essex county—act to repeal act in relation to the election and..... 277
Dynamite and other explosives—act to prevent the transportation of, on ponds and lakes of this state..... 68

## E.

Education—industrial—act for the promotion of..... 287
Edwards, William D.—senator from Hudson county..... 5
Egan, John—act for the relief of..... 289
Election and duties of overseers of the highways in the township of Caldwell, county of Essex—act to repeal act relating to the..... 277
of boards of school trustees—act regulating consolidated school districts and the.. 46
chosen freeholders in incorporated boroughs—act to provide for the..... 140
Elections—supplement to act to regulate.....69, 71, 228
Elevated railroad companies—act to regulate the hours of labor of the employees of surface and.... 145
Employees of surface and elevated railroad companies—act to regulate the hours of labor of the.. 145
Employment hours of children, minors and women—supplement to act to limit the age and, and to appoint an inspector..... 144
, safety, health and work hours of operatives—supplement to act relative to factories and workshops and the..... 243
Establishment of public libraries in cities—act to amend act to authorize the..... 148
mutual loan, homestead and building associations—supplement to act to encourage the.... 62

Page.

Estates, intestates'—act to amend supplement to act concerning executors and the administration of..... 154
supplement to act concerning executors and the administration of..... 27
leasehold—act in relation to, and assignments and mortgages thereof.....221
of infants—supplement to act relative to the sale and disposition of the real..... 122
Evans, George—act to release the title and interest of the state of New Jersey in and to certain real estate which, died seized in the city of Trenton, and in the township of Ewing..... 16
Evidence—supplement to act concerning..... 146
Excise boards—act to authorize the transfer of licenses granted by, in any city..... 118
Executions—supplement to act respecting..... 26
Executors—act concerning..... 167
Executors and the administration of intestates' estates—act to amend supplement to act concerning..... 154
Executors and the administration of intestates' estates—supplement to act concerning..... 27
Exempting from taxation persons who served in the military or naval forces of the United States during the late war—supplement to act..... 183
Expenses for the observance of decoration day—supplement to act regulating the, 200
of caring for the state geological museum and other property of the state while at the New Orleans Exposition and of returing it to Trenton—act to defray the..... 172
of the legislature, session of 1887—act to defray the incidental..... 247
special joint committee to consider the propriety of establishing a prison for female convicts and reformatory for women—act to defray the..... 232
Experiment stations—agricultural—act accepting and assenting to on the part of the state of New Jersey to acts of congress to establish in the several states..... 24
Explosives—act to prevent the transporatation of dynamite and other, on the lakes and ponds of this state..... 68

## F.

Factories and workshops—supplement to act to limit age and employment hours of children, minors and women, and to appoint an inspector..... 144
supplement to a general act relating to, and the employment, safety, health and work hours of operatives..... 243

Page.

False pedigrees—act to punish false pretences in obtaining registration of cattle and other animals and to punish giving..... 71
Farmers, gardeners and fruit growers—act to protect, against the loss of baskets and packages..... 104
Federal constitution—joint resolution to enable the state of New Jersey to take part in the celebration of the centennial anniversary of the framing of the..... 266
Feeney, John P.—member from Hudson county..... 6
Fees of certain officers in cities of this state—act concerning the... 151
Female convicts—prison for, and reformatory for women—act to defray the expenses of special joint committee to consider the establishment of a..... 232
Females—act giving the right of sufferage to all persons whether male or, in any school meeting in any school district.. 149
Fire department buildings—act to authorize cities to erect, and to provide for the payment of the cost of erection..... 136
departments in cities—act regulating the pay of officers and men of paid..... 109
insurance companies—act to facilitate the business of mutual, 72
Fish, Frederick S.—senator from Essex county..... 5
Fish—act to amend supplement to act for the preservation of..... 114
supplement to act to repeal first section of act for the protection of..... 55
Fish production of the waters of this state—act to provide means to increase the.... 120
Fisheries (shore) on the Delaware river below Trenton—joint resolution authorizing the appointment of a commission to ascertain the value of..... 267
Food or drugs—supplement to act to prevent the adulteration of.. 160
Ford, Asa—act for the relief of..... 289
Lewis—act for the relief of..... 289
Morris—act for the relief of..... 289
Forest trees—proclamation by the governor relative to the planting of..... 273
Formation of borough governments—supplement to act for the..56, 126, 142
in seaside resorts—supplement to act for the..... 33
commissions—act to amend act for the..... 134
supplement to act for the.... 45
companies for mutual protection against damage to glass by hail—act to authorize the... 57
railroad corporations and regulate the same—act to extend time for completing certain railroads incorporated under act to authorize the..... 65

Page.
Formation of railroad corporations and regulate the same—supplement to act to authorize the..... 226
Fraud in weighing of live stock, hay, coal and grain—act to punish and to regulate..... 213
Free public libraries in cities—act to amend act to authorize the establishment of..... 148
Freeholders—chosen—act to authorize the boards of, to acquire by purchase or condemnation, lands for public use in such counties, and to provide for the issue of bonds to pay for the same, 201
act to authorize the boards of, to assume and exercise the custody of county jails and the prisoners in such jails, &c..... 42
supplement to act to authorize boards of, to issue bonds to raise money for state and county purposes in anticipation of the arrearages of state and county taxation.. 117
supplement to act to incorporate, in the several counties..... 14
in incorporated boroughs—act to provide for the election of,. 140
Fruit growers, farmers and gardeners—act to protect, against the loss of baskets and packages..... 104

## G.

Gardner, John J.—senator from Atlantic county..... 5
Gardeners, farmers and fruit growers—Act to protect against loss of baskets and packages..... 104
General assembly—act to fix the salary of certain officers of the senate and, of the session of 1887..... 79
Geological museum, state—act to defray the expenses of caring for the, and other property of the state while at the New Orleans exposition, &c..... 172
Gettysburg, battlefield of—supplement to act to erect monuments to mark the positions of New Jersey regiments on..... 22
Girls, State Industrial School—act providing for the support of.... 26
Glass—act to authorize the formation of companies for the mutual protection against damage to, by hail..... 57
Goble, Jonathan—member from Ocean county..... 7
Government and regulation of the State prison—supplement to act for the..... 242
Governments, borough—supplement to act for the formation of.....56, 126, 142
in seaside resorts—supplement to act for the formation of..... 33
Grain, hay, coal and live stock—act to punish fraud in and to regulate the weighing of..... 213
Grand juries—supplement to act concerning clerks of..... 130

Page.
Griggs, John W.—senator from Passaic county..... 5
Guardians and minors—supplement to act relative to..... 224

## H.

Habitual drunkards, idiots and lunatics, and persons incapable of controlling themselves or their property—act concerning.. 48
Hacks and other vehicles—supplement to act to provide for licensing, by township committees..... 110
Hacks, boats and other vehicles—act to provide for licensing, by incorporated camp-meeting associations or seaside resorts... 16
Hail—act to authorize the formation of companies for the mutual protection against damage to glass by..... 57
Hanes, Joseph H.—senator from Cape May county..... 5
Hare or rabbit—act to allow certain persons to trap..... 246
Harrigan, William—member from Essex county..... 6
Hawkins, Thomas H.—member from Cumberland county..... 6
Hay, coal, grain and live stock—act to punish fraud in, and to regulate the weighing of..... 213
Health, boards of, state and local—act to establish in this state, and bureau of vital statistics and to define their respective powers and duties..... 80
public—act to amend first section of act concerning county boards established for the protection of the, and the registration of vital facts and statistics in counties of this state..... 211
supplement to act to prevent the sale of oleomargarine, butterine or any imitation of dairy products and to preserve the..... 193
supplement to act to provide for drainage where the same is necessary to the..... 50
Health and work hours of operatives—supplement to act relative to factories and workshops, and the employment, safety, and..... 243
Heppenheimer, William C.—member from Hudson county..... 6
Herring, Richard N.—senator from Camden county..... 5
Highways and streets—act to authorize certain municipalities to lay out, open, extend, alter and work, and to provide for the payment of the expense thereof..... 181
Highways (overseers of) in township of Caldwell—act to repeal act relating to the election and duties of..... 277
Hildreth, Alvin P.—member from Cape May county..... 6
Hill, Charles E.—member from Essex county..... 6
Holidays—legal—supplement to act establishing, and regulating the maturity of commercial paper with respect thereto..... 147

Page.

Home for disabled soldiers—act to amend supplement to act to provide for the organization of the New Jersey ..... 165
Homestead and building associations—supplement to act to encourage the establishment of mutual loan..... 62
Hospital associations—act in relation to incorporated..... 25
Hospitals—act respecting, and to provide for their aid in certain cases, 174
Hours, employment of children, minors and women—supplement to limit the age of, and to appoint inspector..... 144
Hours of labor of employees of surface and elevated railroad companies—act to regulate the..... 145
Hours—work of operatives—supplement to act relating to factories and workshops, and the employment, safety, health and..... 243
Hucksters and pedlers—act to provide for licensing boats, hacks and, by incorporated camp-meeting associations or seaside resorts, &c..... 36
Hudspeth, Robert S.—member from Hudson county..... 6
Hutchinson, Robert C.—member from Burlington county..... 6
Hutchinson, Symmes B.—member from Mercer county..... 7

## I.

Idiots and lunatics—supplement to act concerning..... 177
Idiots, lunatics and habitual drunkards, and persons alleged to be lunatics by reason of their minds being so unsound as to render them incapable of controlling themselves and their property—act concerning..... 48
Imitation of dairy products—supplement to act to prevent deception in the sale of oleomargarine, butterine or any, and to preserve the public health..... 192
Improvement and maintenance of certain roads—act amending act in relation to the.... 175
societies in towns, villages and boroughs—act to inporate.... 13
Incidental expenses of the legislature, session of 1887—act to defray.... 247
Incorporated boroughs—act to provide for the election of chosen freeholders in..... 140
camp-meeting associations—act to provide for licensing boats, hacks and other vehicles, hucksters and pedlers by, or seaside resorts and to prescribe penalties for violation of ordinances, &c ..... 36
hospital associations—act in relation to..... 25

Page.

Incorporated towns—supplement to act to enable, to construct water works for the extinguishment of fires and supplying the inhabitants thereof with pure and wholesome water.....37, 40
and boroughs—act relative to street railways within.. 240
Incorporating the inhabitants of townships, designating their powers and regulating their meetings—act to amend act..... 131
Incorporation of insurance companies—supplement to act to provide for the regulation and..... 151
safe deposit and trust companies—act to amend supplement to act for the..... 262
Increase of fish production of the waters in this state—act to provide means for the.... 120
Indebtedness (certificates of)—act to provide for the payment of, issued for constructing or improving a road or roads in counties of this state..... 138
Indexing of deeds, mortgages, wills and other instruments required by law to be recorded—act to provide for the.. 171
Industrial education—act for the promotion of..... 237
school for girls—act providing for the support of the... 26
Industries—state—supplement to act to establish bureau of statistics..... 11
Infants—supplement to act relative to the sale and disposition of real estate of..... 122
Inhabitants of incorporated towns—supplement to act to enable incorporated towns to construct water works for the extinguishment of fires and supplying the, with pure and wholesome water.....37, 40
townships—act to amend act to incorporate the, designating their powers and regulating their meetings..... 131
Insane—act for the relief of the state lunatic asylum and to provide for the additional accommodation for the incurable, in this state..... 141
criminals—act to provide for the transfer of, from the county prison to the state asylun for the insane..... 150
Inspector of factories and workshops—supplement to act to limit the age and employment hours of children, minors and women, and to appoint an inspector..... 144
Inspectors of public works in cities—act providing for the method of the appointment of..... 135
Instruction—public—supplement to act to establish a system of... 220
Instruments required or authorized by law to be recorded—act to provide for the indexing of deeds, mortgages, wills and other..... 171

Page.

Insurance—act to authorize the formation of companies for the mutual protection against damage to glass by hail, 57
Insurance companies—act to facilitate the business of mutual fire, 72
supplement to act to provide for the regulation and incorporation of..... 151
Intestates' estates—act to amend supplement to act concerning executors and the administration of..... 154
supplement to act concerning executors and the administration in..... 27

## J.

Jails, county—act to authorize the boards of chosen freeholders to assume and exercise the custody of, and of the prisoners in..... 42
Joint resolution—authorizing the appointment of a commission to ascertain the value of the shore fisheries in the Delaware river below Trenton with a view to their purchase by the state..... 267
relative to the arbitration of alleged taxes in arrear under the charter and supplements of the Morris and Essex railroad company..... 265
to enable the state of New Jersey to take part in the celebration of the centennial anniversary of the framing of the federal constitution..... 266
Joint tenants, copartners and tenants in common—supplement to act for the more easy partition of lands held by, 139, 155
Judgments—supplement to act concerning..... 161
Juries—supplement to act concerning..... 132
grand—supplement to act concerning clerks of..... 130

## K.

Keys, James—member from Passaic county..... 7
Kinney, Horatio N.—member from Sussex county..... 7

## L.

Labor—supplement to act to establish a bureau of statistics on the subject of..... 11
hours—of employees of surface and elevated railroad companies—act to regulate the..... 145
Lakes and ponds of this state—act to prevent the transportation of dynamite and other explosives on the..... 68
Land—tract of, on the Atlantic coast in the county of Monmouth—act to provide for the purchase of a, and to vacate certain streets, &c..... 214
Lands—act to enable surveyors and their assistants to enter upon, for the purpose of surveying in certain cases..... 212
for public use—act to authorize the boards of chosen freeholders in the respective counties of this state to acquire by purchase or condemnation, in such counties and to provide for the issue of bonds to pay for the same... 201

Page.
Lands for school purposes—act to enable cities to purchase, erect, furnish and fit up buildings..... 170
held by co-partners, joint tenants and tenants in common—supplement to act for the more easy position of..139, 155
sale of—act relating to the, for unpaid taxes and assessments in cities of this state and proceedings in reference thereto..... 197
sales of—act to amend act relative to, under a public statute, 28
act validating and confirming sales for taxes, certificates and declarations, &c..... 49
supplement to act relative to, under a public statute.....18, 125, 129
Large, George H.—senator from Hunterdon county..... 5
Law, George—member from Passaic county..... 7
Law, courts of—supplement to act to regulate the practice of..... 50
Lawrence, Franklin—member from Cumberland county..... 6
Laws in the newspapers—act relative to the publication of the.... 260
Laws of 1883, chapter 80—act to amend and correct an error in title to the..... 142
Laws of 1886 in the newspapers—act to provide for a deficency in the appropriation for the publication of the..... 225
Laying out, altering or vacating roads—supplement to act for the.. 73
Leasehold estates—act in relation to, and assignments and mortgages thereof..... ..... 221
Legal holidays—supplement to act establishing, and regulating the maturity of commercial paper with respect thereto..... 147
Legislature—act granting the consent of the, to the assignment of the West Shore railroad company of a lease of a railroad and franchises made by the North River railroad company to the New York, Ontario and Western railroad company..... 287
act granting the consent of the, to the leasing of the West Shore railroad company to the New York Central and Hudson River railroad company..... 288
session of 1887—act to defray the incidental expenses of..... 247
Lennon, Edward—member from Hudson county..... 6
Letts, William H.—member from Hudson county..... 6
Libraries—act to amend act to authorize the establishment of free public, in cities..... 148
License pawnbrokers—act to regulate and..... 59
Licenses granted by excise boards—act to authorize the transfer of, 118
Licensing of boats, hacks, other vehicles, hucksters and pedlers by incorporated camp-meeting associations or seaside resorts—act to provide for the, and prescribe penalties for the violation of, &c..... 36
Licensing of hacks and other vehicles by the township committees of the several townships of this state and for the better government of the same—supplement to act to provide for.. 110
Live stock, hay, coal and grain—act to prevent fraud in, and to regulate the weighing of.... 213
Livingston, Robert L.—senator from Union county..... 5

Page.
Loan, homestead and building associations—supplement to act to encourage the establishment of mutual, 62
Local boards of health—act to establish in this state, &c..... 80
Loss of baskets and packages—act to protect farmers, gardeners and fruit growers against the..... 104
Lufburrow, Grover H.—member from Monmouth county..... 7
Lunatic asylum (state)—act for the relief of the, and to provide additional accommodations for the incurable insane of this state..... 141
Lunatics and idiots—supplement to act concerning..... 177
Lunatics, idiots and habitual drunkards incapable of controlling themselves and their property—act concerning..... 48
Lyons, Samuel S.—member from Morris county..... 7

## M.

Maintenance and improvement of certain roads—act amending act in relation to the.... 175
Managers of cemetery or burial grounds—act to authorize the directors, trustees or, to invest surplus funds received from the sale of lots or graves.. 111
Marlatt, James—member from Essex county..... 6
Matthews, John J.—member from Union county..... 7
Maturity of commercial paper—supplement to act establishing legal holidays and regulating the..... 147
McBride, John A.—senator from Sussex county..... 5
McDermitt, Frank M.—member from Essex county..... 6
McLaughlin, Edward T.—member from Hudson county..... 7
Military or naval forces of the United States—supplement to act exempting from taxation persons who served in the, during the late war..... 183
Milk—supplement to act to prevent the adulteration and to regulate the sale of..... 12
Miller, Wyatt W.—senator from Salem county..... 5
Minors—supplement to act relative to guardians and..... 224
women and children—supplement to act to fix the age and employment hours of, and to appoint an inspector..... 144
Monument—act relative to the Trenton battle..... 166
Monuments to mark the position of New Jersey regiments upon the battlefield of Gettysburg—supplement to act to provide for the erection of suitable..... 22
Moon, James E.—senator from Warren county..... 5
Morris and Essex railroad company—joint resolution relative to the arbitration of alleged taxes in arrear under the charter and supplements of the... 265
Mortgages (chattle)—act to amend act to revise and consolidate certain acts concerning, and to repeal the supplement on this subject, &c..... 115

Page.

Mortgages, deeds, wills and other instruments required by law to be recorded—act to provide for the indexing of..... 171
Mortgages of leasehold estates—act in relation to leasehold estates, assignments and..... 221
Mullica, township of—act to repeal a further act concerning taxes, &c., in as far as it affects the, and to revise and restore an act to facilitate the collection of taxes in the..... 278
Mulvey, John—member from Middlesex county..... 7
Municipal corporations—act to amend act to regulate the issuing of bonds by..... 67
act to authorize, to contract for supply of water for public use..... 20
Municipalities to lay out, open, extend, alter and work streets and highways and to provide for the payment of the expense thereof—act to authorize certain 181
Murder of K. M. Noorz—proclamation by the governor relative to the..... 272
Mutchler, Samuel B.—member from Warren county..... 7
Mutes, school for deaf—supplement to act for the support and improvement of..... 219
Mutual fire insurance companies—act to facilitate the business of.. 72
loan, homestead and building associations—supplement to act to encourage the establishment of..... 62
protection against damage to glass by hail—act to authorize the formation of companies for..... 57

## N.

Name of a town or village—act to confer the authority of changing the, upon the court of common pleas..... 76
Name of dioceses and trustees—supplement to act to incorporate religious societies and to authorize dioceses to change corporate, &c..... 121
National guard—act to enable cities to furnish suitable accommodation for the transaction of public business and an armory for the use of the, therein organized.. 168
of the state of New Jersey—supplement to act for the organization of..178, 207
Naval forces of the United States—supplement to act exempting from taxation persons who served in the military or, during the late war..... 183
Newell, William—member from Salem county..... 7
New Jersey home for disabled soldiers—act to amend supplement to act to provide for the organization of the..... 165

Page.
New Jersey regiments on the battle field of Gettysburg—supplement to act for the erection of monuments to mark position of..... 22
school for deaf mutes—supplement to act for the support and improvement of the.. 219
state reform school for boys—act providing for the appropriations for the... 53
New Orleans exposition—act to defray the expense of the state geological museum while at the, and of returning to Trenton..... 172
Newspapers—act relative to the publication of the laws of this state in the..... 260
act to provide for a deficiency in the appropriation for the publication of the laws of 1886 in the..... 225
New York Central and Hudson River railroad company—act granting the consent of the legislature to the leasing of the West Shore railroad company to the..... 288
New York, Ontario & Western railway company—act granting the consent of the legislature to the assignment to the West Shore railroad company of a lease of railroad and franchises made by the North River railroad company to the.... 287
Noonan, Thomas F., Jr.—member from Hudson county..... 6
Noorz, K. M.—proclamation of the governor relative to the murder of..... 272
North River railroad company—act granting the consent of the legislature to the assignment to the West Shore railroad company of a lease of railroad and franchises made by the, to the New York, Ontario & Western railway company..... 287
Norwood, John—member from Morris county..... 7

## O.

Observance of Decoration day—supplement to act regulating the expenses for the..... 200
Office of the secretary of state and register of the prerogative court—supplement to act relative to..... 162
Officers and men of paid fire departments in cities—act regulating the pay of... 100
in cities of this state—act concerning the fees of certain... 161
of the senate and general assembly of the session of 1887—act to fix the salaries of certain..... 79
Officers, police and policemen—act providing for the pensioning of, in cities and regulating the method by which the same may be accepted and become operative in cities..... 97

Page.
Officials in cities—act to authorize common council or governing bodies to designate who to perform the duties of, in case of absence or sickness..... 102
Oleomargarine—supplement to act to prevent the deception in the sale of, butterine or any imitation of dairy products and to preserve the public health..... 192
Operatives—supplement to act relative to factories and work shops and the employment, safety, health and workhours of..... 243
Ordinances—act in relation to the serving of all process issuing out of courts having the power to try violations of..... 78
act providing for the summary arrests for the violation of..... 23
Ordinary—act to amend act respecting the powers of the, orphans' court and surrogates..... 198
supplement to act respecting, &c..... 19
Organization of the national guard of the state of New Jersey—supplement to act for the.....178, 207
New Jersey home for disabled soldiers—act to amend supplement to act to provide for the..... 165
Orphans' court—act relative to the court of common pleas, general quarter sessions of the peace and the..... 133
act respecting the appointment of sergeant-at-arms of the court of common pleas, general quarter sessions of the peace and the..... 96
act to amend act respecting the powers of the ordinary, surrogates and..... 198
supplement to act respecting and relating to the powers and duties of the ordinary, &c..... 19
Overseers of highways in Caldwell township, Essex county—act to repeal act relating to the election and duties of the..... 277
Oviatt, Sherman B.—member from Monmouth county..... 7

## P.

Pace, George E.—member from Somerset county..... 7
Packages—act to protect farmers, gardeners and fruit growers against the loss of baskets and..... 104
Paid fire departments in cities—act regulating the pay of officers and men of..... 100
Pancoast, Stacy L.—senator from Gloucester county..... 5
Pardons, court of—act concerning the..... 246
Partition of lands held by co-partners, joint tenants and tenants in common—supplement to act for the more easy...139, 155
Past due taxes—act in relation to..... 116
Paving of crosswalks and sidewalks in townships—supplement to act to authorize the curbing..... 80
Pavonia land association—act to amend act to incorporate the..... 285
Pawnbrokers—act to regulate and license..... 59
Pay of officers and men of paid fire departments in cities—act re-regulating the.... 100
Peal, John H.—member from Essex county..... 6

Page.
Pearson, John—member from Hudson county..... 6
Peck, James—member from Essex county..... 6
Pedigrees of cattle and other animals—act to punish false pretences in obtaining the registration of, and to prevent giving false..... 71
Pedlers and hucksters—act to authorize the licensing of, by incorporated camp-meeting associations or seaside resorts, &c..... 36
Peer, James M.—act for the relief of..... 285
Pensioning of police officers and policemen—act providing for the, in certain cities, and regulating the method by which the same may be accepted and become operative in said cities..... 97
Pitney, John R.—member from Morris county..... 7
Plank roads—supplement to act concerning the sale of railroads, turnpikes, canals, bridges and..... 158
Planting of forest trees—proclamation by the governor relative to the..... 273
Police officers and policemen—act providing for the pensioning of, in certain cities, and regulating the method by which the same may be accepted and become operative in said cities..... 97
Police service in townships—act to authorize..... 153
Policemen—act providing for the pensioning of police officers and, in certain cities and regulating the method by which the same may be accepted and become operative in said cities..... 97
and detectives (state)—an act respecting the appointment of..... 52
Ponds and lakes of this state—act to prevent the transportation of dynamite and other explosives on the..... 68
Poor—act to amend section one of supplement to act for the settlement and relief of the..... 180
Practice of courts of law—supplement to act to regulate the..... 50
Prerogative court—supplement to act relative to the office of the secretary of state and the register of the..... 162
Preservation of fish—act to amend supplement to act for the..... 114
Prison for female convicts and reformatory for women—act to defray the expenses of the special joint committee to consider the establishment of a..... 232
Prison, state—supplement to act for the government and regulation of the..... 242
Prisoners in county jails—act to authorize the boards of chosen freeholders to assume custody of county jail and for the regulation and management of..... 42
Proceedings in criminal cases—supplement to act regulating..... 77

Page.

Process issuing out of courts having the power to try violations of ordinances in any city of this state—act in relation to the serving of..... 78
Proclamation by the governor—designating a day for thanksgiving..... 271
relative to planting of forest trees, 273
relative to the murder of K. M. Noorz, at Rahway..... 272
Production, (fish) of the waters of this state—act to provide means for the increase of, 120
Promotion of industrial education—act for the..... 237
Prosecutors of the pleas in counties of the third class—supplement to an act to fix the minimun of salary of the..... 173
Protection against damage to glass by hail—act to authorize the formation of companies for mutual..... 57
Protection of fish—supplement to act to repeal first section of act for the..... 55
the public health—act to amend section one of act concerning county boards established for the, and the registration of vital facts and statistics in counties of this state..... 211
Public buildings for school purposes—act to enable cities to purchase lands, erect, furnish and fit up..... 170
business in cities—act to enable cities to furnish suitable accommodations for the transaction of, and an armory for the use of the national guard therein organized..... 168
health—act to amend first section of act concerning county boards established for the protection of the, and the registration of vital facts and statistics in counties of this state..... 211
supplement to act to prevent deception in the sale of oleomargarine, butterine or any imitation of dairy products and to preserve the..... 192
supplement to act to provide for drainage when the same is necessary for..... 50
instruction—supplement to act to establish a system of..... 220
libraries in cities—act to amend act to authorize the establishment of free..... 148
school purposes—act to enable cities to purchase lands, erect, furnish, and fit up a building or buildings for..... 170
works in cities—act providing for the method of the appointment of inspectors of..... 135
Publication of the laws in the newspapers—act relative to the..... 260
of 1886 in the newspapers—act to provide for a deficiency in the appropriation for the..... 225

Page.
Punish false pretences in obtaining registration of cattle and other animals and giving false pedigrees—act to..... 71
fraud in weighing of live stock, hay coal and grain—act to, 213
Punishment of crimes—supplement to act for the.....70, 151, 230
Purchase of a tract of land on the Atlantic coast in the county of Monmouth, and to vacate certain streets and to take and extinguish certain easements thereon and therein—act to provide for the..... 214

## R.

Rabbit—act to allow certain persons to trap hare or..... 246
Railroad company, Morris & Essex—joint resolution relative to the arbitration of alleged taxes in arrear under the charter and supplements of the.... 265
companies—act to authorize certain, of this state to borrow money and secure the repayment thereof by mortgage upon their property and franchises..... 41
act to regulate the hours of labor of employees of surface and elevated..... 145
corporations—act entitled supplement to act to authorize the formation of, and to regulate the same..... 226
act to extend time for completing certain railroads incorporated under act to authorize the formation of, and to regulate the same..... 65
supplement to an act concerning..... 113
Railroads—act extending time for the completion of..... 53
act to extend the time for completing certain, incorporated under act to authorize the formation of railroad corporations and regulate the same..... 65
supplement to act relating to the consolidation of..... 64
Railroads, canals, turnpikes, bridges and plank roads—supplement to act concerning the sale of..... 158
Railways, street, within incorporated towns and boroughs—act relating to..... 240
Real estate of infants—supplement to act relative to the sale and disposition of..... 122
Reformatory for women—act to defray the expenses of the special joint committee to consider the establishment of a prison for female convicts and a..... 232
Reform school for boys—act providing for appropriations for the.. 53
Register of the prerogative court—supplement to act relative to the office of secretary of state and, 162
Registration of cattle and other animals—act to punish false pretences in obtaining, and to punish false.. 71

Page.

Registration of vital facts and statistics in counties—act to amend section one of act concerning county boards established for the protection of the public health and the..... 211
Regulate and license pawnbrokers—act to..... 59
the sale of milk—supplement to act to prevent the adulteration and to..... 12
weighing of live stock, hay coal and grain—act to punish fraud in and to.... 213
Regulation and incorporation of insurance companies—supplement to act to provide for the.... 151
management of county jails—act to authorize the boards of freeholders to assume and exercise custody of county jails and the..... 42
of the state prison—supplement to act for the government and..... 242
Relief of the poor—act to amend section one of supplement to act for the settlement and..... 180
Religious societies—act to authorize trustees of churches and, to convey real estate to..... 12
supplement to act to incorporate trustees of, 15. 194
supplement to act to incorporate trustees of, and to authorize dioceses to change their corporate name, &c..... 121
Right of suffrage—act giving the, to all persons whether male or female in any school meeting in any school district of the state..... 149
Roads—act amending act in relation to the improvement and maintenance of..... 175
act to provide for the payment of certificates of indebtedness issued for constructing or improving a road or, in counties of this state..... 138
supplement to the act for laying out, altering, or vacating of..... 73
Roe, Joseph B.—member from Gloucester county..... 6
Rue, John D.—senator from Mercer county..... 5

## S.

Safe deposit and trust companies—act to amend supplement to act for the incorporation of..... 262
Safety, health and work hours of operatives—supplement to act relative to factories and workshops and the employment..... 243
Sailors and soldiers in the late war—supplement to act exempting from taxation..... 183
Salaries of certain officers of the senate and general assembly for 1887—act to fix the..... 79
Salary of the prosecutors of the pleas in counties of the third class—supplement to act to fix the minimum of, 173
Sale of lands for unpaid taxes and assessments in cities of this state and proceedings in reference thereto—act relating to the..... 197

Page.

Sale of lands subjected to further taxation and assessments—supplement to act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water rates in cities, &c., and to provide for the.....66, 184
milk—supplement to act to prevent the adulteration and to regulate the..... 12
oleomargarine, butterine or any imitation of dairy products, and to preserve the public health—supplement to act to prevent deception in the..... 192
railroads, canals, turnpikes, bridges and plank roads—supplement to act concerning the.... 158
real estate of infants—supplement to act relative to the disposition and..... 122
Sales for taxes—act validating and confirming, certificates and declarations issued, and tax title and rights acquired, in cases where sales have not been in accordance with section one of act relative to sales of land under a public statute or by virtue of any legal proceedings..... 49
Sales of land—act to amend act relative to, under a public statute or by virtue of any legal proceeding..... 28
act validating and confirming sales for taxes, and certificates and declarations issued, &c..... 49
supplement to act relative to, under a public statute or by virtue of any legal proceeding....18, 125, 129
Savings bank—supplement to act concerning..... 29
School for boys, state reform—act providing for the appropriations for the..... 53
deaf mutes—supplement to act for the support and improvement of..... 219
girls, (industrial)—act providing for the relief of..... 26
School buildings—act to enable cities to purchase lands, erect, furnish and fit up ..... 170
districts—act giving the right of suffrage to all persons whether male or female in any school meeting in any..... 149
act regulating consolidated, and the election of the boards of trustees therein..... 46
meetings—act giving the right of suffrage to all persons whether male or female in any..... 149
Schools—act to enable cities to borrow money for the purpose of paying for, already erected or in process of erection, and to issue bonds, &c..... ..... 218
Scott, Stacy H.—member from Burlington county..... 6
Scudder, George D.—member from Mercer county..... 7
Sea Girt, tract of land at—act to provide for the purchase of a, on the Atlantic coast, &c..... 214
Seaside resorts—act to provide for licensing boats, hacks and other vehicles, hucksters and pedlers by incorporated camp-meeting associations or, and to prescribe penalties for violation of ordinances, rules, &c..... 36

Page.
Seaside resorts—supplement to act for the formation of borough governments in..... 33
Secretary of state—supplement to act relative to the office of, and register of the prerogative court..... 162
Senate and general assembly—act to fix the salaries of certain officers of the, of the session of 1887..... 79
Sergeant-at-arms—act respecting the appointment of, in the courts of common pleas, orphans' court and general quarter sessions of the peace..... 96
Serving of process issuing out of courts having the power to try violation of ordinances in any city of this state—act in relation to the..... 78
Settlement and collection of arrearages of unpaid taxes, assessments and water rates or water rents in cities, &c—supplement to act concerning.....66, 184
Settlement and relief of the poor—act to amend section one of supplement to an act for the..... 180
Sewerage—act providing for, in and by adjoining cities, towns and townships..... 185
Sewers—act to provide for the making and collection of benefit assessments for construction of, in cities, in certain cases.. 231
and drains—supplement to act to authorize cities to construct, and to provide for the payment of the cost thereof..... 238
Shore fisheries on the Delaware river below Trenton—joint resolution authorizing the appointment of a commission to ascertain the value of the..... 267
Sidewalks and crosswalks—supplement to act to authorize the construction, curbing and paving of, in townships..... 30
Societies, improvement, in towns, villages and boroughs—act to incorporate..... 13
religious—act to authorize trustees of churches and, to convey real estate to..... 12
supplement to act to incorporate trustees of, 15, 194
supplement to act to incorporate trustees of, and to authorize dioceses to change their corporate name, and the corporate name of trustees of religious, &c..... 121
Soldiers, New Jersey home for disabled—act to amend supplement to act to provide for the organization of the 165
Soldiers and sailors in the late war—supplement to act exempting from taxation persons who served in the military and naval services..... 188
Special joint committee to consider the establishing of a prison for female convicts and reformatory for women—act to defray the expenses of the..... 232
State asylum for the insane—act to provide for the transfer of insane criminals from the county prison to the..... 150

Page.
State board of agriculture—act to organize and establish a..... 105
health—act to establish in this state, boards of health and a bureau of vital statistics and to define their respective powers and duties..... 80
detectives—act respecting the appointment of state policemen and..... 52
geological museum—act to detray the expenses of caring for the, of the state while at the New Orleans exposition and of returning it to Trenton..... 172
industrial school for girls—act providing for the support of.. 26
industries—supplement to act to establish a bureau of statistics..... 11
lunatic asylum at Trenton—act for the relief of, and to provide additional accommodations for the incurable insane of the state..... 141
policemen—act respecting the appointment of state detectives and..... 52
prison—supplement to act for the government and regulation of the..... 242
reform school for boys—act providing for appropriations for the..... 53
school for deaf mutes—supplement to act for the support and improvement of..... 219
State of New Jersey—act accepting and assenting to on the part of the, to acts of congress to establish agricultural experiment stations in connection with colleges established in the several states..... 24
act to authorize the issue of duplicate bonds of the, in lieu of those destroyed by fire.. 108
act to provide for the purchase of a tract of land on the Atlantic coast, in the county of Monmouth, and to vacate certain streets and to take and extinguish certain easements thereon and therein..... 214
act to release the title and interest of the, in and to certain real estate of which George Evans died seized in the city of Trenton and township of Ewing..... 16
joint resolution to enable the, to take part in the celebration of the centennial anniversary of the framing of the federal constitution..... 266
Stations, agricultural experiment—act accepting and assenting to on the part of the state of New Jersey to acts of congress of the United States to establish in the several states..... 24

Page.

Statistics—act to amend section of act concerning county boards established for the protection of the public health and the registration of vital facts and, in counties of this state ..... 211
act to establish in this state, boards of health and a bureau of vital, and to define their powers and duties.. 89
supplement to act to establish bureau of, on subject of labor ..... 11
Street railways within incorporated towns and boroughs—act relating to ..... 240
Streets and highways—act to authorize certain municipalities to lay out, open, alter and work, and to provide for the payment of the expense thereof ..... 181
Suffrage, right of—act giving the, to all persons, whether male or female, in any school meeting in any school district of this state ..... 149
Summary arrests for violation of ordinances—act providing for the.. 23
Supplement, further, to "An act concerning corporations," 112, 137, 238
"An act concerning railroad corporations" 113
"An act concerning taxes" ..... 33, 163
"An act concerning the sale of railroads, canals, turnpikes, bridges and plank roads" ..... 158
"An act for the formation of borough governments" ..... 56, 126
"An act for the government and regulation of the state prison" ..... 242
"An act for the more easy partition of lands held by co-partners, joint tenants and tenants in common" ..... 155
"An act for the organization of the national guard of the state of New Jersey" ..... 207
"An act for the punishment of crimes" 70, 230
"An act relative to sales of land under a public statute or by virtue of any legal proceedings" ..... 18, 125, 129
"An act respecting the court of chancery," 199
"An act respecting the orphans' court and and relating to the powers and duties of the ordinary and the orphans' court and surrogates" ..... 19
"An act to authorize cities to construct sewers and drains and to provide for the payment of the cost thereof" ..... 233
"An act to authorize the construction, curbing and paving of sidewalks and crosswalks in townships" ..... 30
"An act to enable incorporated towns to construct water works for the extinguishment of fires and supplying the inhabitants thereof with pure and wholesome water" ..... 37

Page.

Supplement, further, to "An act to encourage the establishment of mutual loan and homestead and building associations," ..... 62
"An act to incorporate chosen freeholders in the respective counties of this state"..... 14
"An act to incorporate and regulate telegraph companies"..... 119
"An act to limit the age and employment hours of children, minors and women and to appoint an inspector for the enforcement of the same"..... 144
"An act to provide for the erection of suitable monuments to mark the position of New Jersey regiments upon the battlefield of Gettysburg"..... 22
"An act to regulate elections".....9, 288
"An act to repeal the first section of an act for the protection of fish"..... 55

Supplement to "An act concerning bridges and turnpikes"..... 74
"An act concerning clerks of grand juries"..... 130
"An act concerning corporations".....99, 156
"An act concerning divorces"..... 132
"An act concerning evidence"..... 146
"An act concerning executors and the administration of intestates' estates"..... 27
"An act concerning idiots and lunatics"..... 177
"An act concerning judgments"..... 161
"An act concerning juries"..... 132
"An act concerning savings banks"..... 29
"An act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water rates or water rents in cities of this state, and imposing and levying a tax assessment and lien in lieu and instead of such arrearages, and to enforce the payment thereof, and to provide for the sale of lands subjected to further taxation and assessment".....66, 184
"An act establishing legal holidays and regulating the maturity of commercial paper with respect thereto"..... 147
"An act exempting from taxation persons who served in the military or naval forces of the United States during the late war"..... 183
"An act for laying out, altering or vacating roads" 73
"An act for the formation of borough commissions" 45
"An act for the formation of borough governments" 142
"An act for the formation of borough governments in seaside resorts"..... 33
"An act for the more easy partition of lands held by co-partners, joint tenants and tenants in common"..... 139
"An act for the organization of the national guard of the state of New Jersey"..... 178
"An act for the punishment of crimes"..... 151

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